

**DEPOSITION OF
WILLIE EVA BALDWIN**

February 27th and 28th, 2008

Pages 1 through 185

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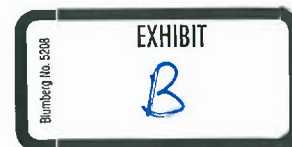
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Deposition of Willie Eva Baldwin

February 27th and 28th, 2008

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1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE MIDDLE DISTRICT OF ALABAMA
 3 ROBERT JOHNSON, as Personal
 4 Representative of THE ESTATE OF
 5 IRENA JOHNSON, Deceased,
 6 Plaintiff,
 7 vs. CIVIL ACTION NO.
 8 2:07CV1068-MHT
 9
 10 DENITA COLVIN and
 11 WILLIE EVA BALDWIN, et al.,
 12 Defendants.
 13 *****
 14 DEPOSITION OF WILLIE EVA BALDWIN, taken
 15 pursuant to stipulation and agreement before Tracey
 16 H. Rives, Certified Shorthand Reporter and
 17 Commissioner for the State of Alabama at Large, in
 18 the Law Offices of Barrickman, Allred & Young, 5775
 19 Glenridge Drive, Atlanta, Georgia, on Wednesday the
 20 27th day of February 2008 commencing at
 21 approximately 2:15 p.m. EST. and the Law Offices of
 22 Ball, Ball, Matthews & Novak, 2000 Interstate
 23 Drive, Montgomery, Alabama, on Thursday, the 28th
 day of February 2008 commencing at approximately
 5:05 p.m. CST.

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 3 Robert Johnson
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1 APPEARANCES
 2
 3 FOR THE PLAINTIFF:
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 18 Montgomery, Alabama
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 10 *****
 11 It is hereby stipulated and agreed by and
 12 between counsel representing the parties that the
 13 deposition of WILLIE EVA BALDWIN may be taken
 14 before Tracey H. Rives, Certified Shorthand
 15 Reporter and Commissioner for the State of Alabama
 16 at Large, without the formality of a commission and
 17 all formality with respect to other procedural
 18 requirements is waived; that objections to
 19 questions other than objections as to the form of
 20 the question need not be made at this time but may
 21 be reserved for a ruling at such time as the said
 22 deposition may be offered in evidence or used for
 23 any other purpose by either party as provided for
 by the Federal Rules of Civil Procedure.

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1 It is further stipulated and agreed by
2 and between the parties hereto and the witness that
3 the signature of the witness to this deposition is
4 hereby waived.

5 *****

6 WILLIE EVA BALDWIN

7 The witness, after having first been
8 duly sworn to speak the truth, the whole truth, and
9 nothing but the truth testified as follows:

10 EXAMINATION

11 BY MR. COLLINS:

12 Q. Ms. Baldwin, my name is Zach Collins. We
13 have met. Not just today, but we have met
14 before. And I, too, have been to the house
15 when you were present. I represent your
16 nephew Mr. Johnson.

17 And can you just state for the
18 record, I've never talked to you about this
19 case at any time, have I? You've got to say
20 yes or no. Do you remember me talking to
21 you about this case?

22 A. Yes. Uh-huh (positive response).

23 Q. Are you sure about that?

1 answer the question, just make sure you say
2 yes or no or answer it verbally. But don't
3 shake your head side to side or up and down
4 because she has to take it down. Okay?

5 A. Uh-huh (positive response).

6 Q. I have a tendency of talking loud. Please
7 know I'm not screaming at you. I just --
8 They'll tell you, I just kind of talk loud.
9 I think I may be going deaf or something,
10 but I just talk loud.

11 A. I am, too, sort of.

12 Q. Okay. Are you on any medications? Have you
13 taken any medications today, this morning?

14 A. Yes.

15 Q. Can you tell me what medications you've
16 taken?

17 Before you do that, spell your name for
18 us.

19 A. W-i-l-l-i-e.

20 Q. And your middle name is...

21 A. E-v-a.

22 Q. And last name...

23 A. B-a-l-d-w-i-n.

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Page 8

1 A. I think so.

2 Q. Can you tell me when you talked to me about
3 this case?

4 A. Was that yesterday?

5 Q. No, ma'am. I wasn't here yesterday. I
6 believe you may have talked to your attorney
7 about this case, Mr. David Henderson. Do
8 you remember talking to him?

9 A. I think so.

10 MR. COLLINS: Just for the record,

11 I have not talked to her about
12 the case.

13 Q. Ms. Baldwin, if I ask you a question -- Have
14 you ever done a deposition before?

15 A. I don't think so.

16 Q. This is just an opportunity for us to talk
17 about the case that you are involved in.

18 And, again, I represent your nephew,
19 Mr. Johnson. I'm going to ask you some
20 questions, and occasionally I may not
21 understand your answer, so I will probably
22 ask you some follow-up questions just for
23 clarification. When you are prepared to

1 Q. Thank you. And tell me what medications
2 that you are currently on that you've taken
3 this morning.

4 A. This morning, Fexofendadine.

5 Q. Can you spell that for me?

6 A. F-e-x-o-f-e-n-d-a-d-i-n-e.

7 Q. Do you know what that medication is for?

8 A. It's an antihistamine.

9 Q. Why are you taking it? What illness or
10 ailment do you have that causes you to have
11 to take that particular medicine? Do you
12 know?

13 A. Uh-huh (negative response).

14 Q. Was that a yes or a no?

15 A. No, I don't know.

16 Q. What other medication have you taken this
17 morning?

18 A. This morning K-o-l-o-r-c-o-n (sic) 10
19 P-o-t-a-s-s-i-u-m.

20 Q. Do you know what that's for?

21 A. It goes with the water pill.

22 Q. When you say the water pills, what are you
23 referring to?

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1 A. I'm going take another -- oh, another one.
 2 The water pill is L-e-s-i-x (sic).
 3 Q. Do you know what that's for? When you say
 4 water pill, what does it help you with?
 5 A. It helps me go to the bathroom too much.
 6 Q. So it slows down your urinary tract system
 7 or stops you from using the bathroom all the
 8 time?
 9 A. It helps send me.
 10 Q. Oh, it helps send you to the bathroom. All
 11 right.
 12 A. F-u-r-o-s-e-m-i-d-e.
 13 Q. Do you know what that medicine is for?
 14 A. That's -- It's in parentheses after the
 15 L-a-s-i-x.
 16 Q. Okay. So that's part of the Lasix?
 17 A. Yeah.
 18 Q. Now, those three medicines, you've taken
 19 those this morning; is that correct?
 20 A. Right.
 21 Q. Now, I believe -- Do you also take eye
 22 drops?
 23 A. Yes.

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1 Q. What's the name of that medicine?
 2 A. A-l-p-h-a-g-a-n. It is a solution of zero
 3 point one.
 4 MR. WALLER: Do y'all want to do
 5 this? Zach, I don't mean to
 6 interrupt.
 7 Ma'am, could you give us
 8 that and we can put that on the
 9 record? We can attach it, so
 10 we can all have it. Would that
 11 help you out, Zach?
 12 Q. Ms. Baldwin, all of the medicines that
 13 you've taken this morning, do any of those
 14 medicines prevent you from being able to
 15 testify right now at this deposition?
 16 A. I don't think so.
 17 Q. None of them affect your mental abilities to
 18 be able to answer questions that I ask you?
 19 A. I don't think so.
 20 Q. You are not having any side effects from any
 21 of those medicines right now, are you?
 22 A. No.
 23 Q. At the appropriate time you can give a list

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1 to your attorney and I'll get a copy from
 2 him. Okay?
 3 MR. WALLER: Do y'all want to --
 4 While we've got it now, Zach,
 5 so we can all see it. Ma'am,
 6 do you have another copy of
 7 that?
 8 MR. COLLINS: Oh, is she reading
 9 from a list?
 10 MR. WALLER: Yes. Ma'am, is that
 11 a copy that we can have?
 12 THE WITNESS: I can copy it.
 13 MR. WALLER: Is that another copy
 14 that you are looking at now?
 15 THE WITNESS: Yes.
 16 MR. WALLER: Is that in addition
 17 to this other one that
 18 Mr. Johnson has?
 19 MR. COLLINS: Help us out, David.
 20 THE WITNESS: I think it's the
 21 same thing.
 22 MR. HENDERSON: They are two
 23 different ones. One is

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1 updated -- this one is dated
 2 12/28/2007. This other one is
 3 more recent, February 18th,
 4 '08.
 5 MR. PHILLIPS: Let's copy them
 6 both, please.
 7 Q. Ms. Baldwin, state your address. Where do
 8 you currently live?
 9 A. My address present now?
 10 Q. Yes, your present address.
 11 A. 208 Bella Vista Terrace, McDonough.
 12 Q. Who do you live there with?
 13 A. My nephew, Robert Lavaughn Johnson.
 14 Q. Does his wife live there as well?
 15 A. Yes.
 16 Q. And how long have you lived there?
 17 A. Since July the 27th.
 18 Q. Since the accident that we are here today?
 19 A. Yes.
 20 Q. Where did you live prior to that?
 21 A. 1235 North Conestoga Street. And that's in
 22 Philadelphia, Pennsylvania.
 23 Q. Who did you live with?

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1 A. My sister.
 2 Q. What is her name?
 3 A. Robert's mother.
 4 Q. Can you give her name, for the record,
 5 please?
 6 A. Irena Johnson.
 7 Q. And did you own that home on Conestoga in
 8 Philadelphia?
 9 A. Once upon time. It's been quite a while.
 10 Q. And what happened? Did you sell it to
 11 Ms. Johnson?
 12 A. Yes.
 13 Q. And do you remember when you told sold it to
 14 her?
 15 A. No.
 16 Q. Was it ten years ago? Twenty years ago?
 17 A. Oh, longer than that.
 18 Q. Maybe thirty years ago?
 19 A. Possibly.
 20 Q. So about thirty years ago you owned that
 21 home, correct?
 22 A. Right. I think we purchased it in -- it
 23 might have been in '42.

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1 Q. 1942. When you say we purchased it, who are
 2 you referring to?
 3 A. My husband.
 4 Q. And at some point after that you sold it to
 5 your sister Irena Johnson?
 6 A. Yes.
 7 Q. When you said it to her, was the home solely
 8 in her name?
 9 A. I would think so.
 10 Q. And when did you begin living with your
 11 sister Irena Johnson?
 12 A. It's not clear to me because I lived in
 13 Willow Grove for a few years.
 14 Q. What's Willow Grove?
 15 A. That's a suburb of Philadelphia.
 16 Q. Who did you live with in Willow Grove?
 17 A. With my husband.
 18 Q. And did you move in with your sister Irena
 19 Johnson after your husband passed away?
 20 A. Yes.
 21 Q. Do you remember when your husband passed
 22 away?
 23 A. No.

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1 Q. Is it fair to say that you -- Take your time
 2 if some of these questions are difficult.
 3 You just let me know and we will stop and
 4 you can take a break. Okay?
 5 But how long did you live with Irena,
 6 just you and Irena? Was it ten years?
 7 Fifteen years?
 8 A. More.
 9 Q. About twenty years?
 10 A. Yeah.
 11 Q. And has it only been you two that just lived
 12 together, you and Irena?
 13 A. Yes.
 14 Q. Now, during the time in which you and Irena
 15 lived together, were you working?
 16 A. No.
 17 Q. Were you retired at that point?
 18 A. Yes.
 19 Q. When did you retire? Do you remember what
 20 year?
 21 A. In seventy -- Let's see. It might have been
 22 '76. I'm not sure. In the '70s.
 23 Q. So in about '76 you retired, and you and

Page 16

1 Irena lived together, is that correct?
 2 A. Yes.
 3 Q. And is it fair to say since that point,
 4 sometime around 1976 you and Irena lived
 5 together alone, just you and her?
 6 A. Yes.
 7 Q. Tell me about the house that y'all lived in.
 8 How many bedrooms was it?
 9 A. Three.
 10 Q. Three bedrooms?
 11 A. Yeah.
 12 Q. Now, did you have your own room?
 13 A. Yes.
 14 Q. And she had her own room?
 15 A. Yes.
 16 Q. Now, the house was solely in Irena's name at
 17 that point, correct?
 18 A. Yes.
 19 Q. Was Irena working at that time?
 20 A. Part of the time.
 21 Q. Now, when you say part of the time, would
 22 you say she worked maybe twenty hours a week
 23 or so?

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1 A. Yes.
 2 Q. Was this at the laundry facility that she
 3 worked at?
 4 A. Yes.
 5 Q. How did y'all handle the bills in the house?
 6 Did y'all put everything together?
 7 A. I bought all foods and she prepared.
 8 Q. Now, did y'all have the same bank accounts?
 9 A. No.
 10 Q. Y'all had separate bank accounts?
 11 A. Yes.
 12 Q. So y'all didn't mix y'all's money together,
 13 did you?
 14 A. No.
 15 Q. Is it safe to say that whatever money she
 16 brought in, she had her own way of
 17 accounting for her money?
 18 A. Right.
 19 Q. And she spent that money however she saw
 20 fit?
 21 A. Right.
 22 Q. Would it be safe to say that you did the
 23 same? Whatever money you brought into the

Page 18

1 house, you accounted for it and you spent it
 2 how you saw fit?
 3 A. Yes.
 4 Q. Did you have any control over -- and I'm
 5 talking about when y'all lived together --
 6 did you have any control over where Irena
 7 went?
 8 A. No.
 9 Q. She pretty much had her own schedule?
 10 A. Right.
 11 Q. And she came and went as she pleased? Would
 12 it be safe to say that?
 13 A. Right.
 14 Q. And you as well, you came and went as you
 15 pleased?
 16 A. Yes.
 17 Q. No one told you when and what time you had
 18 to come home, did they?
 19 A. No.
 20 Q. Would it be safe to say, Ms. Baldwin, that
 21 even though y'all lived together under the
 22 same roof that y'all essentially had --
 23 y'all owned your own individual type

Page 19

1 household that you ran? Would it be safe to
 2 say that? That y'all had your own affairs
 3 that you ran even though y'all lived under
 4 the same roof?
 5 MR. PHILLIPS: Object to the form.
 6 Q. Do you understand my question?
 7 A. No.
 8 Q. The fact that y'all lived together under the
 9 same roof, that didn't mean that you-all
 10 shared each others affairs, did it?
 11 A. Sort of.
 12 Q. Sort of?
 13 A. Yeah. We bowled together three times a
 14 week.
 15 Q. So y'all did social things together, right?
 16 A. Yeah.
 17 Q. But in terms of one person ruling the
 18 household or having a domination over the
 19 household, that wasn't a fact, was it?
 20 A. No.
 21 MR. PHILLIPS: Object to the form.
 22 Q. In terms of either you or Ms. Johnson being
 23 the head of the household, would that have

Page 20

1 been either one of y'all?
 2 A. No.
 3 Q. So it would be safe to say that y'all kind
 4 of had your separate households?
 5 MR. PHILLIPS: Object to the form.
 6 A. We practically just did the same thing.
 7 Q. With regard to your social activities?
 8 A. Right.
 9 Q. That's what you are referring to?
 10 A. Right.
 11 Q. How old are you, Ms. Baldwin?
 12 A. Ninety-one.
 13 Q. What is your Social Security number?
 14 A. 160-24-0651 A.
 15 Q. Now, before you retired what line of work
 16 did you do?
 17 A. Teach.
 18 Q. Now, did you hold some type of certificate
 19 to teach?
 20 A. Yes.
 21 Q. Were you licensed with a state agency?
 22 A. Yes, I was licensed.
 23 Q. What state were you licensed in?

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1 A. Pennsylvania.
 2 Q. And how long did you hold that license?
 3 A. Until I retired.
 4 Q. Until you retired. Do you remember when you
 5 got it?
 6 A. I had it written down someplace.
 7 Q. Maybe you might remember this way. Do you
 8 know how many years you taught before you
 9 retired?
 10 A. Not that long because it was under a
 11 disability.
 12 Q. When you say it was under disability, is
 13 that why you retired?
 14 A. Yes.
 15 Q. And tell me about your disability. What was
 16 the disability that caused you to retire?
 17 A. They thought it was my heart. And the
 18 pacemaker, that didn't help at all. Later
 19 they took it out because they said the
 20 pacemaker was the problem.
 21 Q. Do you remember when you got that pacemaker?
 22 A. No.
 23 Q. Do you remember what approximate year that

Page 23

1 anyone that lives in Alabama?
 2 A. I don't think so.
 3 Q. As far as you know, you have no relatives in
 4 Alabama?
 5 A. I don't think so.
 6 Q. Have you ever been arrested before?
 7 A. No.
 8 Q. Have you ever filed bankruptcy before?
 9 A. No.
 10 Q. Have you ever sued anyone before, been a
 11 plaintiff in a case?
 12 A. No.
 13 Q. Have you ever been sued before?
 14 A. No.
 15 Q. And what about being a witness in a case?
 16 Have you ever been a witness in any case and
 17 had to go to court and testify about it or
 18 sit in a deposition like this about it?
 19 A. No.
 20 Q. And that card that you are looking for, you
 21 can provide it to your attorney.
 22 (Plaintiff's Exhibit Number Five
 23 marked for identification.)

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1 was?
 2 A. No, I don't. In the '70s, though.
 3 Q. When you retired because of your disability,
 4 did you get some form of disability income?
 5 A. I guess I collected Social Security.
 6 Q. Are you on Social Security right now?
 7 A. Yes.
 8 Q. Is it SSD? Is that what you get, Social
 9 Security disability? Or is it SSI? Do you
 10 know?
 11 A. It's the high standard of whatever it is.
 12 Q. And you've been getting that since the '70s?
 13 A. Yes. I'm about to break them.
 14 Q. While you are looking for that, do you know
 15 how much you get in Social Security
 16 disability income?
 17 While you are looking for that, I'm
 18 going to ask you a couple of questions. If
 19 you need me to pause for a second, I will.
 20 Okay?
 21 Have you ever been to Alabama before?
 22 A. Yes.
 23 Q. Do you know anyone or are you related to

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1 Q. Let's go back real briefly, Ms. Baldwin, and
 2 talk about your medical history. And I have
 3 a -- Let me show you what I'm going to mark
 4 as Plaintiff's Exhibit Number Five. And I
 5 believe this is a document that you just
 6 provided everybody in the room. Will you
 7 take a look at that? Is that the document
 8 you just gave everyone in the room?
 9 A. Yes.
 10 Q. Why don't you just take a look at it. Look
 11 at that one right there. Let's talk about
 12 the first prescription. It's called
 13 Aricept.
 14 A. Right.
 15 Q. It looks like the purpose is for dementia?
 16 A. Right.
 17 Q. When were you diagnosed with dementia? Do
 18 you remember?
 19 A. It's been a long time.
 20 Q. A long time?
 21 A. Yes.
 22 Q. Were you diagnosed with dementia prior to
 23 July 27th of 2007?

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1 A. Yes.
 2 Q. Before the accident?
 3 A. Uh-huh (positive response).
 4 Q. And on the date of the accident, were you
 5 taking Aricept or any other medicine for
 6 dementia?
 7 A. Yes. N-a-m-e-n-d-a.
 8 Q. That's listed on Plaintiff's Exhibit Number
 9 Five as number six; is that correct?
 10 A. Uh-huh (positive response), number six.
 11 Q. Do you take both Aricept and Namenda?
 12 A. Yes.
 13 Q. You take both of them for dementia?
 14 A. Yes.
 15 Q. I believe you take a ten milligram tablet of
 16 Aricept and a five milligram tablet of
 17 Namenda; is that correct?
 18 A. Yes.
 19 MR. HENDERSON: Let me just
 20 clarify this. Are you talking
 21 about now or before or at the
 22 time of the accident?
 23 MR. COLLINS: Actually kind of

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1 both.
 2 Q. Do you take both of them now?
 3 A. Yes.
 4 Q. Prior to July 27, 20007 were you taking both
 5 of those at that time?
 6 A. Beg your pardon?
 7 Q. Were you taking both of those medicines at
 8 that time?
 9 A. Yes.
 10 Q. Number two Fexofendadine, that's the
 11 antihistamine I think you testified earlier.
 12 Are you taking that now?
 13 A. Yes.
 14 Q. And on July 27th, the day of the accident,
 15 were you taking that medicine was well?
 16 A. Yes.
 17 Q. And let's for speed's sake, all of the
 18 medicines that you have listed there, one
 19 through eight, are you currently taking all
 20 of those medicines right now?
 21 A. Yes.
 22 Q. And you take them on a daily basis?
 23 A. Yes.

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1 Q. And if I believe I understand you correctly,
 2 you have taken at least some of those today
 3 or will take some of those today; is that
 4 correct?
 5 A. I've already taken them.
 6 Q. You've taken all of them?
 7 A. Yes.
 8 Q. Now, on July 27th were you taking those
 9 eight medications?
 10 A. Yes.
 11 (Brief recess.)
 12 Q. With regards to the eight medications that
 13 you were taking on the date of the accident,
 14 July 27, 2007, I believe you testified that
 15 you are still taking those same eight
 16 medications today; is that correct?
 17 A. Yes.
 18 Q. Do you have any side effects from any of
 19 those medications? Do they make you dizzy
 20 or slow moving or something to that effect?
 21 A. It seems that Aricept makes me have a lot of
 22 dreams. And it may be that I've been
 23 looking at television and all of this stuff

Page 28

1 going on.
 2 Q. Is that -- When you say it makes you have
 3 dreams, is that in the daytime, sometimes in
 4 the daytime?
 5 A. No.
 6 Q. Just at nighttime?
 7 A. Right.
 8 Q. Does the Aricept make you see things
 9 sometimes that are really not there in the
 10 daytime?
 11 A. No.
 12 Q. But none of them make you dizzy and things
 13 of that nature, do they?
 14 A. (Witness shakes head.)
 15 Q. Is that no?
 16 A. I don't think so.
 17 MR. HENDERSON: Ms. Baldwin, you
 18 may want to speak up so
 19 everybody can hear you.
 20 THE WITNESS: All right.
 21 Q. These eye drops that you take, are you
 22 taking three different types of eye drops?
 23 A. Yes.

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1 Q. And you take those on a daily basis?
 2 A. Yes.
 3 Q. Are those for glaucoma?
 4 A. Well, yes. High blood pressure and for
 5 glaucoma.
 6 Q. You've got by the second one, the A-z-o-p-t,
 7 high pressure and glaucoma. Do you mean
 8 that you have high pressure in your eyes?
 9 A. Yes.
 10 Q. How long have you had glaucoma? Do you
 11 remember when you were diagnosed with
 12 glaucoma?
 13 A. A long, long time ago.
 14 Q. A long, time ago?
 15 A. Yes.
 16 Q. Is it safe to say you've been taking these
 17 eye drops or these eye drops for your
 18 glaucoma for several years?
 19 A. Oh, yes.
 20 Q. Do you know approximately how many years?
 21 A. Uh-uh (negative response).
 22 Q. More than ten?
 23 A. More than ten.

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1 Q. And on July 27, 2007 had you taken those eye
 2 drops for your glaucoma?
 3 A. Yes.
 4 Q. Where do you normally get your prescriptions
 5 filled at, Ms. Baldwin, here in Georgia?
 6 A. In Georgia?
 7 Q. Do you get them filled in Georgia?
 8 A. No. My -- I get them mostly in the mail.
 9 It's Prescription Solution.
 10 Q. And are they prescribed by a doctor, by a
 11 physician?
 12 A. Yes.
 13 Q. What physician prescribed these particular
 14 eye drops? Do you know his or her name?
 15 Is that something you think you can get
 16 to us at a later date?
 17 A. Probably.
 18 Q. Who is your general doctor? Do you have one
 19 here in Georgia?
 20 A. Yes. Woods.
 21 Q. Dr. Woods?
 22 A. Yes.
 23 Q. Is Dr. Woods a male or female?

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1 A. Male.
 2 Q. Do you know his first name?
 3 A. That's the general.
 4 Q. That's your general --
 5 A. Yes.
 6 Q. -- general practitioner?
 7 A. Uh-huh (positive response).
 8 MR. COLLINS: Can you get that to
 9 me?
 10 MR. HENDERSON: Yes, if we can
 11 track it down.
 12 Q. Ms. Baldwin, I'm going to ask your attorney
 13 just to get that to us. I'll send some
 14 questions with him and follow up with that.
 15 Okay?
 16 A. Beg your pardon?
 17 Q. I'll ask your attorney to get that from you
 18 and he can get that to us, the information
 19 for Dr. Woods.
 20 A. I have an appointment with him shortly.
 21 Q. Okay. Are you looking for the appointment
 22 card in your purse?
 23 A. Yes. His name is Bruce A. Woods.

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1 Q. Bruce A. Woods?
 2 A. Yes.
 3 Q. And he's in McDonough, or is he in Atlanta?
 4 A. He's in McDonough.
 5 Q. We can get that information.
 6 A. Address?
 7 Q. Do you want to give it to us? Go ahead.
 8 A. 259 Jonesborough Road, McDowell (sic),
 9 Georgia.
 10 Q. What's that zip code?
 11 A. 30253.
 12 Q. Thank you, Ms. Baldwin.
 13 Are you currently using inhalers as
 14 well? Is that correct?
 15 A. Part of the time.
 16 Q. When you say part of the time, does your
 17 prescription say that you have to use them
 18 every day?
 19 A. No.
 20 Q. How often are you to use your inhalers?
 21 A. When I'm having trouble.
 22 Q. So only when necessary?
 23 A. Yes.

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1 Q. When was the last eye exam you had,
 2 Ms. Baldwin? Do you remember?
 3 A. Yeah. This week.
 4 Q. This week?
 5 A. (Witness nods head.)
 6 Q. You had one already, or you are about to get
 7 one?
 8 A. I just had it.
 9 Q. When was that? Today is Wednesday. Was it
 10 Monday or Tuesday?
 11 A. Probably it was last week. Did you say the
 12 eye doctor?
 13 Q. Eye doctor, yes. You say you had an
 14 appointment last week, you believe?
 15 A. Yes. I believe I've taken that out. One
 16 day I had the examination. And that --
 17 Since I've had it, I don't have it with me.
 18 Q. And when you had that eye exam, I assume
 19 that you still have glaucoma; is that
 20 correct?
 21 A. I guess I have it.
 22 Q. And you are still taking eye drops for that
 23 glaucoma?

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1 A. Right.
 2 Q. What about your last physical? Did you have
 3 a physical prior to the accident on July
 4 27th?
 5 A. No.
 6 Q. You didn't. Have you had one since then?
 7 A. A total physical?
 8 Q. A total physical, yes, ma'am.
 9 A. I guess I have.
 10 Q. You have?
 11 A. Yes.
 12 Q. Do you remember when?
 13 A. That was with...
 14 Q. That was with Dr. Woods?
 15 A. No. No.
 16 This is the eye physician. That was
 17 last week. The eye physician is
 18 Dr. McDowell.
 19 Q. Dr. McDowell?
 20 A. Yes.
 21 Q. Do you have his address on there?
 22 A. Yes. His card. It's in the Peachtree
 23 Pavilion, which is 5775 Peachtree Street

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1 downward road.
 2 Q. We will get that address. If that's not the
 3 right one, we will find it.
 4 Ms. Baldwin, let me ask you a couple of
 5 other questions. With regards to your
 6 driving history, how long have you held a
 7 driver's license?
 8 A. Since early, early '40s.
 9 Q. And is that a Pennsylvania driver's license?
 10 A. It is now.
 11 Q. What was the first state?
 12 A. Georgia.
 13 Q. Georgia. Okay. And at some point you moved
 14 to Pennsylvania and got a Pennsylvania
 15 driver's license?
 16 A. Yes.
 17 Q. And do you still currently have a
 18 Pennsylvania driver's license?
 19 A. Good until 2011.
 20 (Plaintiff's Exhibit Number Six
 21 marked for identification.)
 22 Q. 2011. I'm going to show you what I'm going
 23 to mark as Plaintiff's Exhibit Number Six.

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1 Do you have your driver's license with you
 2 right now? You don't have to pull it out.
 3 What I'm going to show you is this document
 4 right here and tell me if that looks like a
 5 copy of your Pennsylvania driver's license.
 6 A. Yes.
 7 Q. It does?
 8 A. It does. Yes. 2011. That's it.
 9 Q. So this is a copy of your actual driver's
 10 license; is that correct?
 11 A. Right.
 12 Q. Now, Ms. Baldwin, do you have any type of
 13 restrictions on your driver's license that
 14 you know of?
 15 A. No.
 16 Q. I notice on the back of your driver's
 17 license it says that you are to wear
 18 corrective lenses. Those are the glasses
 19 that you have on right now?
 20 A. Right.
 21 Q. And I assume you had those glasses on the
 22 day of the accident, right?
 23 A. Yes.

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1 Q. Has your driver's license ever been
2 suspended?
3 A. No.
4 Q. No revocations of any sort?
5 A. No.
6 Q. Has your license ever lapsed for any reason?
7 A. No.
8 Q. Have you ever been involved in any accidents
9 whatsoever, automobile accidents?
10 A. I don't think so.
11 Q. You don't think so?
12 A. (Witness shakes head.)
13 Q. Think just a little bit for me. Let's say
14 within the past ten years have you ever hit
15 someone with your vehicle, caused an
16 accident?
17 A. No.
18 Q. Has anyone ever hit you and caused you any
19 injuries in an accident or just caused an
20 accident in general within the past ten
21 years? Has anyone ever...
22 A. Anyone ever hit me?
23 Q. Yes.

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1 A. Yes.
2 Q. How long ago has that been?
3 A. That was about a year ago.
4 Q. Someone hit you about a year ago?
5 A. Yes.
6 Q. Where was that at?
7 A. In Atlanta.
8 Q. In Atlanta. Were you driving your vehicle?
9 A. Yes, mine.
10 Q. Is that the New Yorker that you were...
11 A. Fifth Avenue.
12 Q. Fifth Avenue?
13 A. Yes, New Yorker.
14 Q. Was there a police report done on that?
15 A. Was there...
16 Q. A police report done on that?
17 A. Yes.
18 Q. Now, whose fault was it in that accident?
19 MR. HENDERSON: Object to the
20 form.
21 A. He came from behind me and hit the left back
22 door and bent it in.
23 Q. Who all was in that vehicle?

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1 A. The same.
2 Q. The same ladies?
3 A. Yes.
4 Q. Was anybody injured?
5 A. Injured?
6 Q. Yes, hurt.
7 A. No.
8 Q. You said that was about a year ago. Was
9 that before the July 27th accident?
10 A. It probably was two years ago.
11 Q. So it was about two years ago when you had
12 come from Pennsylvania to Atlanta?
13 A. I was coming from Georgia, Cuthbert going to
14 Philadelphia.
15 Q. You were coming from Cuthbert to
16 Philadelphia. And do you remember where
17 that accident took place, what city that
18 accident took place?
19 A. Atlanta.
20 Q. It did happen in Atlanta?
21 A. Yes.
22 Q. Did your car have any damage to it?
23 A. Yes. The back left door was bent in.

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1 Q. Did you get it repaired? Did you get your
2 vehicle repaired after that accident?
3 A. Yes.
4 Q. Who paid for those repairs? Did you file an
5 insurance claim on that?
6 A. Well, I had to catch up with the person that
7 was driving this truck that hit the back.
8 Q. Did he try to leave the scene?
9 A. He didn't try. He left. But since I was --
10 I followed him, he eventually stopped.
11 Q. Now, when he stopped, did you-all call the
12 police?
13 A. Yes.
14 Q. And did they make a report of that accident?
15 A. I don't know. They said we could settle it
16 ourselves.
17 Q. Now, did you ever file a claim with your
18 insurance company to have your vehicle fixed
19 regarding that accident?
20 A. No.
21 Q. You didn't?
22 A. No.
23 Q. Was your vehicle ever fixed after that

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1 accident?
 2 A. You know, I think so. I'm not really sure.
 3 Q. And if you think so, would you have paid for
 4 that yourself?
 5 A. Yes, I paid for it.
 6 Q. Who was your insurance company? Is it
 7 Allstate?
 8 A. Allstate.
 9 Q. So you don't know whether or not you
 10 actually contacted Allstate and let them
 11 know about it?
 12 A. No.
 13 Q. Is it possible that you did, though?
 14 A. No, I didn't.
 15 Q. You didn't. Okay.
 16 Do you remember what part of Atlanta --
 17 Atlanta is huge. There is a lot of suburbs.
 18 Do you remember what part of Atlanta that
 19 was in?
 20 A. It was the part -- you know, I can
 21 describe -- that seemingly you can when you
 22 come under this thing up there -- the way I
 23 come through Atlanta, I would have to go

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1 through and keep to my left.
 2 Q. Okay.
 3 A. So I did and kept to my left. But I was on
 4 the right lane and went under this whatever.
 5 And that driver seemingly was going to go
 6 the same way, but it seemed that he took for
 7 granted that I was going to go to that part
 8 that was beyond and go on that route.
 9 Q. Do you remember what highway or interstate
 10 it was? Was it I-75?
 11 A. 85. Anyway, it had to be 85 or 75.
 12 Q. So was it through downtown Atlanta --
 13 A. Yes.
 14 Q. -- when downtown splits off 75 and 85 splits
 15 off? Was it through that area?
 16 A. It possibly was.
 17 Q. Do you remember a lot of tall buildings and
 18 things of the like in that area,
 19 skyscrapers?
 20 A. Yes.
 21 Q. Now, you say that accident may have been two
 22 years ago?
 23 A. Yes, it possibly was two years ago.

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1 Q. What time of year would that have been?
 2 Would that have been around the same time?
 3 A. Yes, in July.
 4 Q. In July. Have you been in any other
 5 accidents?
 6 A. No.
 7 Q. Whether or not you were at fault or someone
 8 else was at fault, do you remember any other
 9 accidents that you may have been in?
 10 A. No.
 11 Q. Now, I believe you were in the room when
 12 your nephew testified that you and your
 13 sisters make this trip to Georgia -- from
 14 Pennsylvania to Cuthbert every year?
 15 A. Right.
 16 Q. And how long have you been doing that?
 17 A. Ever since probably I'll say the middle '40s
 18 maybe.
 19 Q. And is every year the same time?
 20 A. About the same time.
 21 Q. Now, you have another sister Ella Prather;
 22 is that correct?
 23 A. Yes.

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1 Q. And she lives in Detroit; is that correct?
 2 A. Right.
 3 Q. How does she accompany you-all on that trip?
 4 A. She comes by a bus from Detroit to
 5 Philadelphia.
 6 Q. And does she do that every time?
 7 A. Yes.
 8 Q. And then once she arrives in Philadelphia,
 9 then you-all travel from Philadelphia to the
 10 south; is that correct?
 11 A. Right.
 12 Q. And you-all have always done that by
 13 automobile; is that correct?
 14 A. Right.
 15 Q. And the vehicle that you-all traveled in has
 16 always been your vehicle?
 17 A. Right.
 18 Q. Have you ever rented a vehicle to make that
 19 trip?
 20 A. No.
 21 Q. You always drove your car?
 22 A. Right.
 23 Q. Now, how long a drive is that from

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1 Philadelphia to, let's say, Atlanta?
 2 A. Philadelphia to....
 3 Q. To Atlanta. Do you remember?
 4 A. Thirteen hundred miles, I think. I always
 5 got AAA to layout the route.
 6 Q. AAA would always map everything out for you?
 7 A. Right.
 8 (Plaintiff's Exhibit Number Seven
 9 marked for identification.)
 10 Q. And I'm going to show you what I'm going to
 11 mark as Plaintiff's Exhibit Number Seven,
 12 what appears to be a copy of a AAA document.
 13 It's actually two pages. Let me staple it
 14 together for you.
 15 Why don't you take a look at that
 16 document for me, Ms. Baldwin, and tell me if
 17 you recognize that document. Does that
 18 document look familiar to you?
 19 A. Not yet.
 20 Q. Let me ask you this question. Is your name
 21 on that document, Ms. Baldwin? Do you see
 22 your name on there anywhere?
 23 A. Yes.

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1 Q. At the top of that document there is an
 2 address, 394 West Lancaster in Haverford,
 3 Pennsylvania. Is that the agent that you
 4 used to make your plans for this trip?
 5 A. I guess it is.
 6 Q. When you make those plans, do you go to a
 7 physical location and sit down with a AAA
 8 agent and they mapped everything out for
 9 you?
 10 A. Yes.
 11 Q. Now, there is two other names on that
 12 document as well. Would those names be Ella
 13 Prather and Irena Johnson?
 14 A. Right.
 15 Q. Now, who made the plans through AAA?
 16 A. I did.
 17 Q. You made the plans?
 18 A. Yes.
 19 Q. When you made those plans, did you make
 20 those plans for your sister Ella and your
 21 sister Irena?
 22 A. I just made the plans for the car to go.
 23 Q. Say again. I didn't understand.

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1 A. I just made the plan for the car to go, not
 2 who was going to be. I don't know.
 3 Q. Okay. That's all right. So you just made
 4 the plans -- Since all of you-all were
 5 traveling together, you just made the plans
 6 for everybody?
 7 A. Yes.
 8 Q. It's indicated on that document that you-all
 9 would be leaving on July 26, that was a
 10 Thursday, flying to Atlanta? Do you see
 11 that date on there, July 26?
 12 A. Oh, yes.
 13 Q. Is that the day you-all were scheduled to
 14 leave Pennsylvania --
 15 A. Yes.
 16 Q. -- to fly to Atlanta?
 17 A. Yes.
 18 Q. And is it indicated on there anywhere,
 19 Ms. Baldwin, that you-all were going to rent
 20 a vehicle from Hertz once you got to
 21 Atlanta? Do you see that on there?
 22 A. Yes, I see.
 23 Q. Now, when you made these reservations at

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1 AAA, did you have to pay for it right then?
 2 Did you have to pay for your airline tickets
 3 and reserve the rental car at that time?
 4 A. Did I have to pay for the tickets? It seems
 5 that we just went in and paid for the
 6 tickets. And...
 7 Q. When you say -- I don't mean to cut you off.
 8 When you say we just went in, did
 9 Ms. Johnson go in with you?
 10 A. Yes.
 11 Q. And did she, too, make this same reservation
 12 at the same time?
 13 A. I just made the reservation for the car to
 14 go.
 15 Q. But when you-all went in to plan this trip,
 16 Ms. Johnson physically went in to AAA with
 17 you; is that correct? She went to the
 18 location with you?
 19 A. Oh, yes.
 20 Q. Did she, too, tell the agent that you-all
 21 spoke with that she, too, wanted to go to
 22 Atlanta, Georgia by way of airplane? Did
 23 she say she wanted to make the same trip

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1 that you wanted to make?

2 A. No. It just started with the three of us.

3 And they just went with, you know, making it

4 for the three of us.

5 Q. So this wasn't a trip that you were making

6 by yourself --

7 A. Uh-uh (negative response).

8 Q. -- and then you just asked them to tag along

9 with you? You-all went in to make this same

10 trip together, correct?

11 A. I'm not sure.

12 Q. Do you remember how the trip was paid for?

13 Did everybody pay for their own trip?

14 A. No.

15 Q. Who paid for it?

16 A. You mean by the...

17 Q. To buy the plane tickets. Who paid for the

18 airline tickets?

19 A. I think I did. But Irena paid -- gave me

20 the money, hers. But I paid for Eloise and

21 mine. But I paid for all of them as far as

22 they are concerned.

23 Q. Are you saying you paid for them on your

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1 credit card, and then they gave you the

2 money back?

3 A. Who?

4 Q. Irena.

5 A. No. Yeah, she gave it to me before.

6 Q. Okay. Before you-all went to AAA to make

7 this reservation, Irena had already given

8 you her money?

9 A. To make it with AAA -- I'm not sure.

10 Q. Let me try to see if I can ask the question

11 a little clearer. Did Irena pay for her own

12 trip?

13 A. Yes. By plane, yes.

14 Q. She paid for her own airline ticket,

15 correct?

16 A. Uh-huh (positive response).

17 Q. Did Ella pay for her own airline?

18 A. No. I usually paid for hers.

19 Q. Was there a reason why you usually paid for

20 Ella and not for Irena?

21 A. Because she had never worked. She always

22 stayed at home.

23 Q. So Irena because she had her own income and

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1 her own checking account and handled her own

2 affairs would pay for her own trip; is that

3 correct?

4 A. Yes.

5 MR. HENDERSON: Let's make sure we

6 are talking about the airfare.

7 You said trip.

8 Q. The airfare; is that correct?

9 A. Yes.

10 Q. Let me ask you this. What was the purpose

11 of the trip?

12 A. Just a visit to see the other part of the

13 family.

14 Q. Was that something that Irena wanted to do

15 as well as Ella and as well as you?

16 A. Sure.

17 Q. Did you ever tell Irena and Ella that I'm

18 going to Cuthbert, Georgia, will y'all just

19 ride with me? Or did everybody make the

20 decision that they are all going to

21 Cuthbert, Georgia?

22 A. I think we just made the decision that the

23 other part of the family is there, and so we

Page 52

1 are all going.

2 Q. So would it be safe to say that Irena making

3 the trip to Cuthbert benefitted her and also

4 benefitted you? I mean, you-all were just

5 traveling together?

6 A. Yeah.

7 Q. When you got to -- when you got on the

8 plane -- Let's talk about the trip, the day

9 you actually took the trip to Atlanta. That

10 would be July 26, 2007. When you got on the

11 plane to Atlanta, was your plane delayed for

12 any reason?

13 A. Yes.

14 Q. Can you tell me why?

15 A. The president was there doing his thing.

16 Q. What president are you referring to? George

17 Bush?

18 A. Yes.

19 Q. The United States president?

20 A. Right.

21 Q. When you say doing his thing, had his plane

22 come into the same airport?

23 A. Yes, he was there.

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1 Q. Did you see him?
 2 A. No, I didn't see him. We sat on the plane
 3 and waited until his business was over.
 4 Q. And how long did President Bush hold y'all
 5 up? Do you know?
 6 A. It was quite a little while. About an hour,
 7 I guess.
 8 Q. So y'all had to sit on the plane for about
 9 an hour and wait on President Bush?
 10 A. Right.
 11 Q. So that would explain why your plane was
 12 delayed coming into Atlanta; is that
 13 correct?
 14 A. Yes.
 15 Q. Let's talk about when you got to Atlanta.
 16 Did you rent a vehicle? Did you go to Hertz
 17 rental car and rent a vehicle?
 18 A. I guess I did.
 19 (Plaintiff's Exhibit Number Eight
 20 marked for identification.)
 21 Q. Before we go there, I'm going to mark this
 22 as Plaintiff's Exhibit Number Eight. I'm
 23 going to show you this document. You may

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1 not have seen it before. Do you recognize
 2 that document there, Ms. Baldwin?
 3 A. Uh-huh (positive response).
 4 Q. You do recognize that?
 5 A. Uh-huh (positive response).
 6 Q. Whose handwriting is that?
 7 A. Mine.
 8 Q. That is your handwriting?
 9 A. Yes.
 10 Q. So you had the itinerary mapped out for this
 11 trip; is that correct?
 12 A. Right.
 13 Q. And that itinerary included Ms. Prather,
 14 Ms. Johnson, and Ms. Baldwin, that's you; is
 15 that correct?
 16 A. Yes.
 17 Q. And according to this itinerary, you-all had
 18 planned to once you get to Atlanta was at
 19 some point leave and go to Cuthbert, Georgia
 20 and remain there until about August 4th.
 21 Does that sound about right?
 22 A. That sounds about right, yes.
 23 (Plaintiff's Exhibit Number Nine

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1 marked for identification.)
 2 Q. I'm going to show you, Ms. Baldwin, what
 3 I've marked as Plaintiff's Exhibit Number
 4 Nine. I want you to take a look at those
 5 documents and tell me if you can identify
 6 those documents? Have you ever seen that
 7 before?
 8 And you can take a look at the second
 9 page and see if your signature is on there
 10 as well. Have you ever seen that document
 11 before? Do you see a name on it,
 12 Ms. Baldwin?
 13 A. Yes.
 14 Q. Is that your signature at the bottom of that
 15 page, the second page, Plaintiff's Exhibit
 16 Number Nine?
 17 A. Yes.
 18 Q. Is there the name of a rental car company on
 19 that document?
 20 A. Yes, Hertz.
 21 Q. Hertz rental car?
 22 A. Yes.
 23 Q. Do those look like a copy of the documents

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1 that you got when you paid for the rental
 2 car?
 3 A. I don't know.
 4 Q. Do you remember signing anything when you
 5 got the rental car?
 6 A. Yeah.
 7 Q. Do you remember paying for the rental car?
 8 A. Let's see. Do they say?
 9 Q. Does it say on there how much you paid for
 10 that rental car, Ms. Baldwin?
 11 A. Yes.
 12 Q. How much does it say?
 13 A. Total estimate charge eight hundred ten
 14 dollars twenty-seven cents.
 15 Q. I want you to turn to the very first page of
 16 that document, and I want you to take a look
 17 at it. There is an area on the document
 18 that says optional services. Do you see
 19 that on there?
 20 A. Yes. That would have been eight hundred ten
 21 twenty-seven.
 22 Q. Right where it says optional services in
 23 that little block, do you see those three

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1 lines that says LDW, LIS and PPO?
 2 A. Yes.
 3 Q. Do you remember taking out insurance for
 4 this rental car, Ms. Baldwin?
 5 A. Yes.
 6 Q. Did you ask for that insurance to cover the
 7 vehicle and cover any losses in the event
 8 something happened?
 9 A. Yes.
 10 Q. They told you how much the insurance cost
 11 and you agreed to pay that amount for the
 12 insurance?
 13 A. Yes.
 14 Q. Where it says LIS accepted, can you tell me
 15 how much insurance you paid for under LIS?
 16 The little line next to it, what's that
 17 amount right next to it?
 18 A. One hundred and sixteen fifty-five.
 19 Q. Now, did you make this payment and accept
 20 this insurance at the Atlanta International
 21 Airport?
 22 A. Yes, I had accepted insurance there.
 23 Q. Was that in the State of Georgia; Atlanta,

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1 Georgia?
 2 A. I don't know.
 3 Q. Did you do that in Atlanta, Georgia?
 4 A. I guess so.
 5 Q. Was it in the Atlanta airport?
 6 A. I'm not sure.
 7 Q. Where did you rent the vehicle from?
 8 A. Atlanta, I guess.
 9 Q. And, again, on the second page, that is your
 10 signature; is that correct?
 11 A. The second page, yes.
 12 Q. Now, let me ask you...
 13 A. Wait a minute. The second page. Yes,
 14 that's my signature.
 15 Q. Who paid for rental car, Ms. Baldwin?
 16 A. I did.
 17 Q. Now, you paid for it on your credit card.
 18 Did you have to use a credit card or debit
 19 card to make that payment?
 20 A. I don't have a debit card.
 21 Q. What about a credit card?
 22 A. Possibly with a credit card.
 23 Q. Did you use that to rent the vehicle, or did

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1 you use cash?
 2 A. No. I didn't use cash.
 3 Q. So you used some form of plastic; is that
 4 correct?
 5 A. Yes.
 6 Q. Now, did anyone else help you pay for that
 7 rental car?
 8 A. No.
 9 Q. You paid for it by yourself?
 10 A. Yes.
 11 Q. Did anybody reimburse you? Did Ms. Johnson
 12 give you some of the money to help you take
 13 care of eight hundred and ten dollars?
 14 A. I'm quite sure she did.
 15 Q. But Ms. Prather, she wouldn't have given you
 16 any money; is that correct?
 17 A. No.
 18 Q. Now, you-all were going to Cuthbert, Georgia
 19 together as a family, correct?
 20 A. Right.
 21 Q. Three sisters, correct?
 22 A. Right.
 23 Q. Why didn't you-all rent separate cars?

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1 A. We would have needed three drivers.
 2 Q. I didn't hear you. What did you say?
 3 A. If we had rented three cars, we would have
 4 needed three drivers.
 5 Q. Okay. So are you saying it was beneficial
 6 for you-all to just rent one car?
 7 A. Yes, rent one car and three of us get in it.
 8 Q. So it kind of helped everybody out in the
 9 situation, right?
 10 A. Right.
 11 Q. Ms. Johnson, it helped her out a little bit;
 12 is that correct?
 13 A. Uh-huh (positive response).
 14 Q. It helped you out a little bit as well,
 15 correct?
 16 A. Right.
 17 Q. And it also helped Ms. Prather out because
 18 y'all didn't have to rent separate cars; is
 19 that right?
 20 A. Right.
 21 (Plaintiff's Exhibit Number Ten
 22 marked for identification.)
 23 Q. Now, once you rented the vehicle from

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1 Hertz -- I'm done with that document. Thank
 2 you. Let me show you another document
 3 before I move forward. Here is another
 4 document that I believe you may have
 5 received. I'm going to ask you if you
 6 remember receiving this document. This is a
 7 copy of it. It may have come in a
 8 folder-like form. Would you take a look at
 9 that and see if you remember seeing a
 10 document similar to that that was in some
 11 folder-like form?

12 You don't have to read all the way
 13 through it, but just kind of flip through
 14 the pages and see if you ever remember
 15 seeing anything like that.

16 Ms. Baldwin, I'm going to represent to
 17 you that that document is a copy of this
 18 document. Do you remember receiving any
 19 type of document like this from Hertz that
 20 was in this little folder exactly like this?
 21 Just take a look at it. And they may have
 22 stuck these little tickets here inside that
 23 folder. Do you remember receiving those

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1 tickets and then that little jacket as well?

2 A. No.

3 Q. You don't remember receiving that? Okay.
 4 That's quite all right.

5 A. This must be charged to VISA.

6 Q. That's correct. Okay.

7 You already talked about the little
 8 cards. But I just wanted to know if you
 9 remembered receiving a folder equivalent to
 10 the one that I've just given to you.

11 A. No, I don't remember.

12 Q. Okay. That's quite all right. Thank you.

13 So looking at that document you can't
 14 say you remember seeing any document like
 15 that?

16 A. (Witness shakes head.)

17 Q. Ms. Baldwin, we can move on. You can stick
 18 that down here.

19 A. Okay.

20 Q. Do you remember what kind of vehicle you
 21 rented, what kind of car it was?

22 A. (Witness shakes head.)

23 Q. You don't remember the type? Do you

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1 remember what color it was?

2 A. Wine, I guess you could say.

3 Q. You say it was wine colored?

4 A. Yes. Sort of reddish.

5 Q. In the reddish...

6 A. Yeah.

7 Q. I'm going to show you this document just to
 8 kind of -- maybe we can refresh your memory
 9 a little bit. Does that photograph -- Does
 10 that photograph look like the type of car
 11 that you rented? Is that the vehicle that
 12 you rented that day, the green car there?

13 A. (Witness indicates.)

14 Q. Yes.

15 A. I guess it does.

16 Q. Do you remember renting a vehicle like that?

17 A. Oh, that's a...

18 Q. Is that a reddish or a greenish car?

19 A. It was reddish.

20 Q. The one that you rented?

21 A. Right.

22 Q. Who owned that vehicle? Do you know who
 23 owned the vehicle that you rented? Was it

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1 owned by Hertz?

2 A. I would think so.

3 Q. Do you remember the license plate that was
 4 on it?

5 A. No.

6 Q. When you rented the vehicle, the vehicle
 7 that you remember renting, did you check it
 8 to make sure everything worked fine on it,
 9 the headlights --

10 A. Uh-huh (positive response).

11 Q. -- the turn signals, the brake lights --

12 A. Uh-huh (positive response).

13 Q. -- the brakes? Did you check and make sure
 14 the car was in good repair?

15 A. Yes.

16 Q. Tell me how you did that.

17 A. Until I got to where I was going to get off,
 18 I could check it -- you know, until it was
 19 time that I didn't want to go any further in
 20 Alabama, then I could check it on the
 21 highway if I needed those things. But...

22 Q. But before you -- I'm sorry. Go ahead.

23 A. But once I decided, turn around, don't go

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1 any further in Alabama, then this little
 2 chute that -- you know, that you could turn
 3 around in, it was just -- just one --
 4 couldn't but one car go through that -- that
 5 door up there at the end of -- that you
 6 would make your left to turn around.
 7 Q. We are going to talk about the accident in
 8 just a moment. Okay? What I'm referring to
 9 is, when you rented the vehicle when you
 10 were in Atlanta at the airport, before you
 11 had gotten into the car, did you check it
 12 and make sure everything worked properly?
 13 A. Yes.
 14 Q. And did everything work properly on it?
 15 A. Yes.
 16 Q. The lights and turn signals and brake lights
 17 and everything was working properly?
 18 A. (Witness nods head.)
 19 Q. As you were driving the vehicle, was it
 20 driving just fine?
 21 A. Yes.
 22 Q. You didn't have any mechanical problems or
 23 no other types of problems with the vehicle?

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1 A. No.
 2 Q. Once you left the Atlanta airport, where did
 3 you go when you left Atlanta? When you,
 4 Irena, and Ella got in the vehicle to leave
 5 Atlanta, where did y'all go?
 6 A. It seemed that it was -- it was sort of to
 7 the right, and the car was over to a little
 8 section to the right.
 9 Q. I'm not talking about the day of the
 10 accident. I'm talking about the first day
 11 you rented the car on July 26 when your
 12 plane got to Atlanta and you went and rented
 13 the car, as soon as you left the airport --
 14 before you got to Montgomery, as soon as you
 15 left the airport, where did y'all go, you
 16 and Ella and Irena? Do you remember?
 17 A. (Witness shakes head.) Just to try to pick
 18 up the luggage.
 19 Q. I'm talking about once you got the luggage
 20 and actually got into the vehicle.
 21 A. Well, we hadn't gotten the luggage until
 22 yet.
 23 Q. Did you have to get the vehicle to go get

Page 67

1 your luggage?
 2 A. No. It was this, you know, table that it
 3 would be on. But all was on except one
 4 piece, which we haven't found yet.
 5 Q. Once you did get most of the luggage...
 6 A. But...
 7 Q. I'm sorry. Go ahead.
 8 A. But that was found. It was really crushed
 9 up. But it seemed that maybe everything was
 10 in there. Anyway, they finished tearing
 11 that up.
 12 Q. And once you got the luggage and loaded it
 13 into the vehicle, the rental car, the Hertz
 14 rental car, where did you-all go when you
 15 left the airport?
 16 A. When we got the luggage?
 17 Q. Yes, after you got the luggage. You don't
 18 remember?
 19 When you left Atlanta, did y'all get
 20 lost?
 21 A. I guess we were lost because we were going
 22 on to Alabama.
 23 Q. Before you had gotten to Alabama, did you

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1 ever go to Florida?
 2 A. Yes, we went to Florida.
 3 Q. What part of Florida did you go to?
 4 A. I don't know where.
 5 Q. Do you know how you got to Florida?
 6 A. Yeah.
 7 Q. How?
 8 A. Drove there. And once we were in Florida,
 9 we knew we didn't want to be in Florida.
 10 Q. Were you driving at the time?
 11 A. Yes.
 12 Q. Did you drive the entire time?
 13 A. Yes.
 14 Q. Now, do you remember what part of Florida
 15 you had gotten to?
 16 A. No.
 17 Q. Do you remember what highway or interstate
 18 you were on?
 19 A. I thought it was 85, I thought.
 20 Q. So when you got to Florida, did you-all turn
 21 around and come back?
 22 A. Right.
 23 Q. That same day?

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1 A. That same day.
 2 Q. How long will y'all been driving? Do you
 3 know?
 4 A. Since that morning, I guess.
 5 Q. Since that morning. Okay. So your plane --
 6 Strike that.
 7 After you left Florida when you turned
 8 around in Florida, did you end back up in
 9 Georgia?
 10 A. Right.
 11 Q. Do you remember what part of Georgia you
 12 ended back up in?
 13 A. No.
 14 Q. Does the name Newnan sound familiar?
 15 Newnan, Georgia, does it sound familiar?
 16 A. Not connecting this.
 17 Q. Did you-all stay the night in a hotel
 18 somewhere?
 19 A. It didn't seem that we did.
 20 Q. So after you got back from Florida, y'all
 21 didn't spend the night in a hotel? Do you
 22 remember?
 23 A. Uh-uh (negative response).

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1 Q. Do you remember ever staying in a hotel
 2 during this trip? When you came down last
 3 year from Pennsylvania to Atlanta, do you
 4 remember staying in a hotel at any time
 5 during that trip?
 6 A. No, I don't think so.
 7 Q. So when did you-all end up in Alabama?
 8 A. On the 27th.
 9 Q. On the 27th. So you came in -- As your
 10 airline tickets indicate, you flew in on the
 11 26th, correct? The morning of July 26th,
 12 correct, you flew into Atlanta? Does that
 13 sound about right?
 14 A. Yes.
 15 Q. Then you rented a vehicle from Hertz at the
 16 airport, correct?
 17 A. Atlanta airport.
 18 Q. Atlanta airport, correct?
 19 A. Uh-huh (positive response).
 20 Q. You left the Atlanta airport and you
 21 traveled and you got lost in Florida. Does
 22 that sound about right?
 23 A. Uh-huh (positive response).

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1 Q. And then you ended up back in Georgia?
 2 A. Back.
 3 Q. And then back in Alabama. Did y'all ever
 4 stop and take a rest anywhere?
 5 A. Uh-uh (negative response). I don't think
 6 so.
 7 Q. You drove the entire time from the morning
 8 of July 26 until the evening hours of July
 9 27th? Y'all never stopped at all?
 10 A. I don't remember stopping. But...
 11 Q. Is it possible that you could have?
 12 A. It's possible that we could have.
 13 Q. So it's possible that y'all may have spent
 14 the night in Newnan, Georgia; is that
 15 correct? Y'all may have done that?
 16 If I represent to you that your sister
 17 Ella said that you-all spent the night in
 18 Newnan, Georgia, would she be correct?
 19 A. I don't know.
 20 Q. So you don't remember anything about
 21 spending the night anywhere, do you?
 22 A. (Witness shakes head.)
 23 Q. That's okay. Let's talk about the accident

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1 that happened on July 27th. Ms. Baldwin,
 2 when I used the word hotel, sometimes I
 3 assume that's motel, too. Did y'all stay at
 4 a motel? Do you remember a motel or
 5 anything like a Motel 6 or any type of
 6 lodging facility that you stayed at?
 7 A. I'm not sure.
 8 Q. On July 27, 2007 at about seven o five do
 9 you remember being involved in an automobile
 10 accident?
 11 A. Yes.
 12 Q. Now, I want you to tell me in your own words
 13 what happened.
 14 A. Well, to get off of 85 and turn around, you
 15 had to go up this little path, and only one
 16 car could go through. And as I was going
 17 up, a car came from behind and just
 18 spattered the car.
 19 Q. Okay. So as you were going up the little
 20 ramp area, the area that you are referring
 21 to, you were hit from behind?
 22 A. Right.
 23 Q. Do you know who it was that hit you from

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1 behind?

2 A. No, I didn't know them.

3 Q. You didn't know at that time?

4 A. No.

5 Q. Did you later learn who it was that hit you

6 from behind?

7 A. Just in reading who it was.

8 Q. Do you remember what you read that let you

9 know who it was that hit you from behind?

10 A. Some of your writings.

11 Q. Were those things that you presented to your

12 attorney? I don't want you to tell me what

13 your attorney told you. Were those some of

14 the documents that I presented to your

15 attorney is what you looked at?

16 A. I guess so.

17 Q. Did you ever see the police report?

18 A. No.

19 (Plaintiff's Exhibit Number 11

20 marked for identification.)

21 Q. Let me show you what I've marked as

22 Plaintiff's Exhibit Number Eleven. I want

23 you to take a look at that document. I

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1 represent to you that this is the corrected

2 copy of the accident report. Have you ever

3 seen that accident report before?

4 A. Not that I remember.

5 Q. Did you ever talk to anyone regarding the

6 accident?

7 A. No.

8 Q. Do you remember talking to a Montgomery

9 police officer about the accident?

10 A. It seemed that we might have eventually got

11 off there, and this is the lady that hit me

12 from behind.

13 Q. Do you see her name on that report?

14 A. Denita R. Colvin.

15 Q. Do you remember what kind of vehicle

16 Ms. Colvin was driving when she hit you from

17 behind?

18 A. It seemed that it was -- it was a dark

19 color.

20 Q. When you say dark, was it black?

21 A. It was black.

22 Q. Do you remember what kind of vehicle it was?

23 A. No. It was sort of an older vehicle because

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1 it just splattered up -- the Hertz vehicle

2 just splattered up like it was glass.

3 Q. Ms. Baldwin, I want you to take a look at

4 that police report, that accident report.

5 And if you look at the area where it says

6 unit number one --

7 A. Yes.

8 Q. -- over to your left-hand side, I believe

9 your attorney can show you. Do you see your

10 name on that report?

11 A. Yes.

12 Q. And that unit number one would identify that

13 you were driving in vehicle number one

14 according to the police report. Does that

15 sound about right?

16 A. Yes.

17 Q. Now, below that you'll see where by

18 Ms. Colvin's name it will say unit number

19 two.

20 A. Uh-huh (positive response).

21 Q. Do you see anywhere on that report that

22 shows that Ms. Colvin was driving in unit

23 number two?

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1 A. Yes.

2 Q. Now, do you know whether or not there were

3 any witnesses to this accident?

4 A. I wouldn't say it was no more than who was

5 in the car.

6 Q. Now which car are you referring to?

7 A. The one that hit.

8 Q. Now, let me ask you this question. When you

9 were driving on 85 getting ready to turn

10 around, did you notice any other vehicles on

11 the interstate, any other cars that were

12 driving alongside you, ahead of you?

13 A. They couldn't drive beside me because I was

14 going up this ramp to where one car could

15 only go through. And as I was going up that

16 ramp to go through that one door, a car

17 behind came and hit me.

18 Q. When you say go through that door, what are

19 you referring to? What door are you

20 referring to?

21 A. Where you could only go up the ramp, and the

22 door I'm talking about is a door for just

23 one car to go through.

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1 Q. Were there any other vehicles on the
2 interstate that you were driving on?
3 A. I wasn't on the interstate. I was before.
4 Yeah, it was a lot of cars.
5 Q. Do you know about how many cars may have
6 been on the road?
7 A. No.
8 Q. How fast were you driving? Do you remember?
9 A. Probably thirty or forty miles an hour.
10 Q. Thirty or forty miles an hour?
11 A. Yeah, looking for some place to get off.
12 Q. Do you know what the speed limit is on that
13 road?
14 A. No.
15 Q. Did you see any signs that indicate what the
16 speed -- the posted speed limit was?
17 A. I'm quite sure I did, but I don't remember
18 what it would be.
19 Q. Did you see any signs that would indicate
20 what the minimum speed that you would have
21 to drive?
22 A. No. I'm probably sure I did, but I don't
23 remember.

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1 Q. And you believe you were driving about
2 thirty or forty miles an hour?
3 A. Yes.
4 Q. Why would you have been going that slow?
5 A. Looking for some place to get off.
6 Q. You say you were looking for a place to get
7 off?
8 A. Yes.
9 Q. Now, when you were looking for this place to
10 get off, did you somehow stop so that you
11 can kind of make a turn? Did you stop in
12 the road?
13 A. No. Probably a little slower to get on this
14 ramp that was going up to that door for
15 turning around.
16 Q. Did you...
17 A. I assume, you know, you go up and turn to
18 your left, that that was going to put you
19 somewhere to turn around.
20 Q. So is it your testimony that you never, ever
21 stopped your vehicle on the road?
22 A. I never stopped.
23 Q. Now, I want you to look at page two of that

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1 accident report, Ms. Baldwin.
2 A. Page two.
3 Q. And towards the bottom of the page there is
4 a paragraph that says describe what
5 happened, refer to vehicles by number. Can
6 you read that for me, Ms. Baldwin?
7 A. Witness advised that vehicle one was
8 traveling west on -- that's 1085 South in
9 the right lane when suddenly vehicle one
10 started backing up on 1085 in the lane of
11 traffic. Witness further advised that
12 vehicle two took evasive action, however was
13 unable to avoid the collision.
14 We weren't down on that highway then.
15 The driver of vehicle one advised that she
16 was traveling on 1085 south and vehicle two
17 collided with her vehicle in the rear.
18 Driver of vehicle one advised that she never
19 put her vehicle in reverse. Driver of
20 vehicle two advised that when she noticed
21 vehicle one, it was backing on the
22 interstate.
23 We weren't down on the interstate.

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1 Q. Okay. Continue.
2 A. Driver of vehicle two **further** advised she
3 attempted to avoid the collision by swerving
4 to the right.
5 Q. Okay.
6 A. But we weren't on the highway then. We were
7 on that ramp.
8 Q. Now, you saw where it said witnesses advised
9 that you were backing up on interstate.
10 Would that be incorrect?
11 A. That's incorrect. We went -- well, a long
12 time before that since it seemed that all I
13 saw was going further into Alabama. But
14 there was that ramp I saw, so I did back up
15 on, you know, the regular highway until I
16 could make the -- it would be a left-hand
17 turn to get on this ramp to go up and go
18 through that little door.
19 Q. So at some point you did back up on the
20 highway to try to catch the ramp. Is that
21 what you are testifying to?
22 A. Yes.
23 Q. And that was because you -- Was that because

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1 you were too far in Alabama, and you didn't
 2 want to go that far?
 3 A. Right. Had been to Florida. Didn't want to
 4 get further into Alabama.
 5 Q. You were the only person that was driving;
 6 is that correct?
 7 A. Right. See, on the -- That's the way it
 8 looked. And the highway is down here. But
 9 when you go up this ramp there, only one car
 10 can go through there at a time.
 11 Q. And let me see that exhibit. We are going
 12 to talk about that for a second. Just for
 13 the record, I believe, Ms. Baldwin, you are
 14 referring to page number four on Plaintiff's
 15 Exhibit Number Eleven. Is this the diagram
 16 that you were just talking about?
 17 A. Yes.
 18 Q. Now, hang on one second. Let me allow you
 19 to use this ink pen here. Ms. Baldwin, I'm
 20 going to refer to page number four --
 21 actually page number five. It is the same
 22 drawing, but it's a little bit bigger and it
 23 might help you identify it a little better.

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1 All right?
 2 A. Okay.
 3 Q. What I want you to do, Ms. Baldwin, I think
 4 you testified that you were traveling in the
 5 one lane right there, correct? I want you
 6 to take one of these green stars, if you
 7 can, and just put it in the area that you
 8 were just so we can show that that was your
 9 vehicle in that approximate area. Okay?
 10 MR. HENDERSON: At what time?
 11 Q. At approximately seven o two, seven o three,
 12 right before the accident where you believe
 13 your vehicle was.
 14 MR. HENDERSON: When you say right
 15 before the accident, there is a
 16 lot of time there.
 17 Q. Immediately preceding the accident at seven
 18 o two or seven or three -- during the time
 19 frame when you tried to take the one little
 20 road.
 21 MR. WALLER: Can I interject
 22 something?
 23 Ms. Baldwin, do you need

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1 orientation on that map from
 2 Mr. Henderson, your attorney?
 3 Q. Take a look at that. Do you understand what
 4 all of that means on this particular map?
 5 A. Uh-huh (positive response). I hadn't been
 6 on this little space long to go up and go
 7 through that exit and turn to my left.
 8 Q. Now, where you placed the X at on this
 9 particular diagram on Plaintiff's Exhibit
 10 Number Eleven...
 11 MR. HENDERSON: I'm sorry. That's
 12 a star.
 13 Q. Excuse me. The star. Is that where you
 14 contend your vehicle was?
 15 A. I would say that I hadn't been going up very
 16 long.
 17 Q. Where did you back up at and try to...
 18 A. Down in the highway.
 19 Q. You were in the highway when you backed up?
 20 A. Yeah.
 21 Q. And did you actually put your vehicle in
 22 reverse and start backing up to try to catch
 23 that exit?

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1 A. Yes. I stood there until it was safe for me
 2 to back up, you know, and go to my right to
 3 get to that.
 4 Q. And that was in the highway that you did
 5 that, that you backed up?
 6 A. Right.
 7 Q. Do you remember -- Let me ask you this.
 8 Once Ms. Colvin's car hit you from behind,
 9 do you remember the car going up in the air?
 10 A. It didn't seem to go up in the air. It just
 11 seemed to sort of turn around as if it was
 12 going to go back to the left.
 13 Q. And were you injured in the accident?
 14 A. Injured?
 15 Q. Yes, ma'am. Were you hurt?
 16 A. (Witness shakes head.)
 17 Q. You weren't hurt?
 18 A. (Witness shakes head.)
 19 Q. How did you get out of the vehicle?
 20 A. I just got out.
 21 Q. You just got out?
 22 A. Yes.
 23 Q. When you got out, what's the first thing you

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1 did?

2 A. Well, I looked back at my sister, the one

3 that was killed. And she was, you know,

4 laying over -- from the right side she was

5 laying over to the left side. And when the

6 car hit, she said, oh. And it was a lot of

7 blood coming from -- so much so that the

8 jacket that she had on the seat beside her

9 was so full of blood and the seat of the car

10 that we just left that as it was. And the

11 ambulance picked her up.

12 Q. Did you see anybody else come in and try to

13 help out with the accident?

14 A. No.

15 Q. You don't remember any guys coming in and

16 trying to get you out of the car?

17 A. No.

18 Q. Did anybody try to get Ms. Prather out of

19 the car?

20 A. Only the people of the ambulance that was

21 going to take us -- you know, that helped

22 her out.

23 Q. Prior to them arriving, did anyone...

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1 A. Nobody, no. Nobody. We were just the two

2 cars up there.

3 Q. There were no other cars around?

4 A. No.

5 Q. Did anybody try to -- Did you try to help

6 your sister Ms. Johnson get up?

7 A. No, because the people in the ambulance was

8 helping her.

9 Q. Okay. That's fair enough. After you had

10 gotten out and you-all waited for the

11 paramedics to come, did you say anything to

12 Ms. Prather about what happened?

13 A. No, I don't think so.

14 Q. Did you go to the hospital?

15 A. They took us to the hospital.

16 Q. The ambulance took you to the hospital as

17 well?

18 A. Right.

19 Q. Was your sister injured -- Ms. Prather, was

20 she hurt?

21 A. It doesn't seem so. But she doesn't

22 remember it. I guess it just, you know,

23 dulled the brains.

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1 Q. Let me ask you this question. In your

2 interrogatories I asked you -- the questions

3 I had asked you, and you were to answer and

4 give them back to us. I had asked you is it

5 customary for you to stop or back up on the

6 roadway. And I believe your answer was very

7 seldom.

8 A. Very seldom.

9 Q. Have you ever done that before where you

10 just stopped in the middle of the highway

11 and backed up?

12 A. I wasn't on the middle of...

13 Q. Or in the highway?

14 A. In the highway.

15 Q. Have you ever done that before?

16 A. Yes.

17 Q. You have?

18 A. Uh-huh (positive response). Pulled to the

19 side -- to, you know, the extreme right.

20 Q. But when you stopped and backed up, were you

21 in the highway when you did that and then

22 you pulled to the side?

23 A. Right.

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1 Q. Let me ask you this question. Was anybody

2 injured or was there an accident behind that

3 conduct before when you did that? Did

4 anybody ever get hurt?

5 A. No.

6 Q. Do you think it's safe to stop in the

7 highway and back up?

8 A. Yes.

9 Q. You think it is safe to do that?

10 A. If you don't see anyplace of pulling off to

11 your right.

12 Q. Assuming that it's -- Let me ask you this

13 question. If there are other cars coming

14 behind you, would it be safe -- in your

15 opinion would it be safe, then, to stop in

16 the highway?

17 A. Extremely at the right, but not in the

18 highway. You know, but that space that's

19 not part of the highway where if you broke

20 down you would stop anyway.

21 Q. That's fine. But if you were in the highway

22 and you -- not in that space you are talking

23 about, but if you were in the highway?

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1 A. Oh, no. Never back up there.
 2 Q. Is that dangerous?
 3 A. Sure.
 4 Q. What do you think would happen if you did
 5 that?
 6 A. They would kill everybody in that front car.
 7 Q. When you backed up -- you say you were in
 8 the highway when you backed up -- did you
 9 think about whether or not someone....
 10 A. But I wasn't, you know, out in the traveling
 11 lane. I was beside -- that space that if
 12 you had car trouble that you would pull over
 13 there.
 14 Q. Is it possible that you may have thought
 15 that you were in that space and you were in
 16 the highway?
 17 A. No.
 18 Q. I think you testified earlier that you were
 19 in the highway when you backed up. Were you
 20 in the highway when you backed up?
 21 A. Possibly. But you are calling the
 22 highway -- it's those lanes that tell you,
 23 you know, that you are in one, two, three

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1 lane, that's the highway. But not that lane
 2 that you don't drive on, the one that's on
 3 the right.
 4 Q. So would it be safe to say that if you were
 5 in the highway, the lane that you do drive
 6 on and you back up, that would be dangerous?
 7 A. Worse than dangerous.
 8 Q. And would it be safe to say if someone
 9 backed up in that lane that you drive in
 10 with oncoming traffic, that injury or death
 11 might very well happen?
 12 A. It sure would.
 13 MR. HENDERSON: Object to the
 14 form.
 15 Q. When the accident happened, did you get
 16 out -- did you see any debris in the road?
 17 From where the vehicles were tore up, did
 18 you see anything in the road?
 19 A. No. It was clear, that little ramp.
 20 Q. What I'm referring to, once the collision
 21 happened, once the accident happened, did
 22 you see any parts of either Ms. Colvin's car
 23 or the Hyundai that you rented...

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1 A. No. It didn't seem that it bothered that
 2 car that hit me. It just splattered it.
 3 Q. It just splattered which one?
 4 A. The one that I was driving. And it didn't
 5 seem that they were hurt. It seemed that
 6 they just sat there.
 7 Q. Who did?
 8 A. The other car. It did -- When it hit, it --
 9 on the other little space there, it had
 10 turned to come across that little ramp that
 11 we were going up.
 12 Q. At some point, Ms. Baldwin, when you had
 13 gone to the hospital and Ms. Prather had
 14 gone to the hospital, at some point did you
 15 go down to the Montgomery Police Station?
 16 A. It seemed that at some point we did, because
 17 it seemed that they didn't -- couldn't keep
 18 up with the license. And it was some
 19 walking around down there.
 20 Q. Do you remember giving a statement about
 21 your version of the events that took place
 22 on July 27, 2007? Did you give a statement
 23 to the police about what happened?

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1 A. I would think I did.
 2 (Plaintiff's Exhibit Number 12
 3 marked for identification.)
 4 Q. Let me show you what I'm going to mark as
 5 Plaintiff's Exhibit Number Twelve and ask
 6 you if you remember receiving that document,
 7 reading it and signing it. And I'll
 8 represent to you that that's a copy of the
 9 document. Is that your signature on there?
 10 A. Yes.
 11 Q. I want you to read for the record the
 12 portion of that document that's highlighted
 13 in yellow for me. Tell me if you remember
 14 that.
 15 A. I fully understand the foregoing statement
 16 and do willingly agree to answer questions.
 17 I understand and know what I'm doing. No
 18 promises or threats have been made to me by
 19 anyone and no pressure of any kind has been
 20 made against me by anyone.
 21 Q. Okay. So you were asked to make a
 22 statement, and you made it on your own free
 23 will?

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1 A. Yes.
 2 Q. Now, do you remember if they recorded that
 3 statement; in other words, if they had a
 4 little tape recorder device similar to what
 5 we have here today when they recorded your
 6 statement or not?
 7 A. You mean this is the police --
 8 Q. Yes.
 9 A. -- in Montgomery?
 10 Q. In Montgomery, yes, ma'am.
 11 A. No, I don't.
 12 (Plaintiff's Exhibit Number 13
 13 marked for identification.)
 14 Q. I'm going to show you what I've marked as
 15 Plaintiff's Exhibit Thirteen. I want you to
 16 take a look at that document. It's about
 17 twelve pages long, and I represent to you
 18 that it constitutes the statement that you
 19 gave to Corporal Caffey following the
 20 accident. I want you to take a few minutes
 21 to look at it if you haven't already. Take
 22 a look at that and see if that statement is
 23 the statement that you gave on that date

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1 July 28th, 2007.
 2 MR. COLLINS: For the record,
 3 Ms. Baldwin is still under
 4 oath. She is reviewing
 5 Plaintiff's Exhibit Number
 6 Thirteen. However, due to
 7 scheduling we are going to
 8 break for the evening,
 9 reconvene tomorrow in
 10 Montgomery beginning at about
 11 four o'clock.
 12 Anything else anybody needs
 13 on the record?
 14 MR. HENDERSON: I don't think so.
 15 (Deposition adjourned.)
 16 (Deposition reconvened on
 17 Thursday, the 28th day of
 18 February 2008 at approximately
 19 5:05 p.m. CST)
 20 EXAMINATION (cont.'d)
 21 BY MR. COLLINS:
 22 Q. Ms. Baldwin, how are you doing?
 23 A. Struggling.

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1 Q. Are you struggling? We are going to try to
 2 make this as painless as possible. Okay?
 3 A. Thank you.
 4 Q. We are back on the record, and you remember
 5 you are still under oath from yesterday.
 6 Okay?
 7 A. Yes.
 8 Q. I'm going to finish asking you some
 9 questions that I didn't get a chance to talk
 10 to you about yesterday.
 11 Do you remember I showed you
 12 Plaintiff's Exhibit Number Thirteen. That
 13 was a statement that you had given to the
 14 Montgomery Police Department and we had
 15 asked you to take a copy of it home and read
 16 it. Did you get a chance to do that?
 17 A. No.
 18 Q. Do you remember your attorney giving you a
 19 copy yesterday before we left the
 20 deposition? Did you get a chance to look at
 21 that document and review it last night?
 22 A. No.
 23 Q. Now, I represent to you that that document

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1 is the statement that you gave Corporal
 2 Caffey, I believe, on July 28th, which is
 3 the date after the accident. Do you
 4 remember giving a statement to the police
 5 about the accident? Do you remember talking
 6 to the police about the accident?
 7 A. No.
 8 Q. Yesterday we had showed you a document and
 9 you said you did remember.
 10 A. Yes, I did, because today seemed to -- it
 11 was here, there, and everywhere.
 12 Q. Okay. Now, does that -- do you need a
 13 couple of minutes to read that statement, or
 14 are you comfortable testifying to what you
 15 believe you said the day of the accident?
 16 If you need some time to read it.
 17 A. Yes, sir, I do.
 18 Q. Okay. Just let us know when you are done.
 19 Okay?
 20 A. Uh-huh (positive response).
 21 Q. Ms. Baldwin, do you remember yesterday I
 22 showed you what has been marked as
 23 Plaintiff's Exhibit Number Twelve. And it

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1 was a document that contained your statement
2 indicating that you fully understand the
3 statement that you were giving and you were
4 giving that statement voluntarily. Do you
5 remember seeing this document yesterday?

6 A. Yes.

7 Q. Is that your signature on the bottom of
8 Plaintiff's Exhibit Number Twelve?

9 A. Yes, to the right.

10 Q. Okay.

11 MR. COLLINS: And, for the record,
12 with agreement of the parties
13 we stipulate that the statement
14 constituted in Plaintiff's
15 Exhibit Number Thirteen is the
16 statement that Ms. Baldwin had
17 given on July 28th, 2007
18 regarding the accident that
19 makes the basis of this case.

20 Q. Ms. Baldwin, I'm just going to ask you a
21 couple of questions based on your statement
22 and see if you can just help me out a little
23 bit. Okay?

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1 Now, I asked you yesterday,
2 Ms. Baldwin, if you remember spending the
3 night somewhere in Newnan, Georgia. And I
4 believe you told me no, you didn't remember
5 spending the night.

6 A. I don't.

7 Q. If you would, turn to page number eight.
8 And if you look at the bottom you'll see the
9 page designations at the bottom of your
10 document. But turn to the eighth page of
11 that document, and let me know when you get
12 there.

13 A. Okay.

14 Q. And I'll read to you, Ms. Baldwin, from the
15 statement about a quarter of the page down
16 it says, question: Okay. So y'all go back
17 to Atlanta and this is Thursday evening, and
18 then you get on 85 and you-all stop in
19 Newnan, Georgia to spend the night. Is that
20 where y'all spent the night? And your
21 answer is: I...

22 And then the question again is: Do you
23 remember spending the night? And your

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1 answer was: Yes. Do you remember saying
2 that on July 28th, 2007?

3 A. Spending the night?

4 Q. Does that help you remember whether or not
5 you spent the night in Newnan, Georgia?

6 A. Spending the night, was that at a motel or
7 the hospital?

8 Q. At a motel -- a motel or hotel. And I
9 believe you said that you spent the night at
10 Holiday Inn, I think. Is that -- If you
11 look down, is that what you told....

12 A. I don't know.

13 Q. Do you remember telling Corporal Caffey that
14 you spent the night at the Holiday Inn?

15 A. No, I don't remember it now.

16 Q. Okay. Let's talk about when you got to
17 Alabama. I believe you testified yesterday
18 that you -- when you left Georgia, you came
19 straight on to Alabama and then you realized
20 that you were too far into Alabama and you
21 wanted to turn around.

22 A. Right.

23 Q. Do you remember going to Ramer, Alabama?

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1 A. Ramer?

2 Q. Yes.

3 A. (Witness shakes head.)

4 Q. You don't remember? Do you know where
5 Ramer, Alabama is?

6 A. No.

7 Q. Do you remember stopping and purchasing gas
8 in Ramer, Alabama?

9 A. No.

10 Q. Do you remember where you stopped and got
11 gas on your way from Georgia to Alabama?

12 A. No.

13 Q. You don't really remember?

14 A. (Witness shakes head.)

15 Q. When you got into Alabama, did you drive
16 just on Interstate 85 or did you ride all
17 around different portions of Montgomery,
18 Alabama?

19 A. No.

20 Q. You were just on the interstate?

21 A. Right, 85.

22 Q. 85. You never got off at all and went to
23 another part of --

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1 A. No.
 2 Q. -- this area in Montgomery, Alabama?
 3 A. No.
 4 Q. That's enough with this document here. We
 5 are pretty much done with that.
 6 Let's talk about Cuthbert, Georgia.
 7 Tell me again, Ms. Baldwin, who were you,
 8 Irena, and Ella -- who were you-all going to
 9 visit in Cuthbert, Georgia?
 10 A. Family.
 11 Q. Can you give me the names of family?
 12 A. Lois Brown.
 13 Q. And how was she related to you?
 14 A. Niece.
 15 Q. And do you know her telephone number?
 16 Ms. Baldwin, you don't have to get it out
 17 right now. But if you can get it to your
 18 attorney, he can give it to me later. Okay?
 19 And who else were y'all going to see?
 20 A. Ann Johnson.
 21 Q. And how are you related to Ann Johnson?
 22 A. I'm her aunt.
 23 Q. Now, Ann Johnson, is she related to -- how

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1 was she related to Irena Johnson?
 2 A. She's Irena's niece.
 3 Q. And Lois Brown is also Irena's niece; is
 4 that correct?
 5 A. Right.
 6 Q. Now, does Lois Brown and Ann Johnson live
 7 together or do they live separately? Do
 8 they live in different houses, or do they
 9 live together?
 10 A. Different houses.
 11 Q. Was there anyone else you-all were going to
 12 see in Cuthbert?
 13 A. A sister-in-law.
 14 Q. Your sister-in-law?
 15 A. Yeah.
 16 Q. What's her name?
 17 A. Lucille Johnson.
 18 Q. Now, how was she your sister-in-law?
 19 A. She was once married to my brother, oldest
 20 brother.
 21 Q. Now, was there anyone else you-all were
 22 going to see in Cuthbert, Georgia?
 23 A. Just whoever was in the house with Lucille.

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1 Q. Now, when you had planned to get to
 2 Cuthbert, did you-all have some **type** of
 3 activity planned like a family dinner or
 4 reunion of sorts that you-all had **planned**?
 5 A. No.
 6 Q. What usually happens when you-all go to
 7 Cuthbert and what kind of activities do
 8 you-all usually partake in?
 9 A. Just go from house to house, and Lois
 10 usually fixes dinner.
 11 Q. And, again, I think you testified
 12 yesterday...
 13 A. We **may** go out to dinner.
 14 Q. Okay.
 15 A. I can't tell you where that is.
 16 Q. I think you **testified** yesterday that this is
 17 something you-all do every single year,
 18 correct?
 19 A. Yes.
 20 Q. And it's kind of like a reunion?
 21 A. Well, we don't call it a reunion, not then.
 22 But sometime ago it was a reunion.
 23 Q. But now it's just all of the sisters come

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1 down and everybody just goes to visit
 2 everybody?
 3 A. Right.
 4 Q. And that's something that Irena wanted to
 5 do; is that correct?
 6 A. Right.
 7 Q. Something that you wanted to do?
 8 A. Uh-huh (positive response).
 9 Q. And something that Ella wanted to do; is
 10 that correct?
 11 A. Right.
 12 (Plaintiff's Exhibit Number 14
 13 marked for identification.)
 14 Q. Ms. Baldwin, I'm going to show you what I've
 15 marked as Plaintiff's Exhibit Number
 16 Fourteen. And I'm going to ask you if you
 17 can take a look at that document and see if
 18 you've seen that document before. And on
 19 the very last page or next to the last page,
 20 I believe your signature may be on there,
 21 and tell me if you signed that document.
 22 And you can flip the pages if you need to,
 23 Ms. Baldwin.

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1 Ms. Baldwin, all I want you to do is
2 take a look at that document. You don't
3 have to read it. Just take a look at the
4 document and see if you've seen it before
5 and if you in fact signed that document on
6 the last page.

7 Is that last page, Ms. Baldwin? Does
8 that appear to be your signature somewhere
9 on that page?

10 A. Yes.

11 Q. It looks like you read those
12 interrogatories. I'm just going to ask you
13 a couple of questions with regard to those
14 interrogatories and the other attorneys may
15 ask you some questions about those as well.

16 Ms. Baldwin, was Irena and Ella, were
17 they passengers in the vehicle?

18 A. Yes.

19 Q. Now, do you know what a guest is?

20 A. A guest?

21 Q. Yes.

22 A. Yes. Somebody that really doesn't live with
23 you.

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1 MR. HENDERSON: Object to the
2 form.

3 Q. Would you characterize Irena as a guest in
4 the automobile with you?

5 MR. HENDERSON: Object to the
6 form.

7 Q. Or would you characterize her as a
8 passenger?

9 MR. HENDERSON: Object to the
10 form. You are asking about a
11 legal conclusion.

12 MR. COLLINS: I understand the
13 objection.

14 MR. HENDERSON: And she obviously
15 doesn't understand the legal
16 definition of a guest or a
17 passenger. But under the facts
18 that she presented, it would
19 appear that she's a passenger.

20 Q. With regards to interrogatory number
21 thirteen, you indicated that you also had
22 insurance with Allstate. Did you file a
23 claim with Allstate for this particular

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1 case? Did you let Allstate know -- your
2 insurance company know about this particular
3 accident?

4 A. I don't remember.

5 Q. You don't remember. You may have? You just
6 don't remember?

7 A. No, I don't remember.

8 Q. And interrogatory number twenty-two asks is
9 it customary in your driving experience that
10 you stop on the roadways including
11 interstate, highways, and expressways that
12 are traveled by other drivers -- if you look
13 at number twenty-four in that document. And
14 your answer was very seldom. And I believe
15 yesterday you testified that...

16 A. Twenty-two?

17 Q. Yes, ma'am.

18 MR. COLLINS: Do you want to help
19 her out, David?

20 A. Very, very seldom.

21 Q. Very, very seldom. And I believe yesterday
22 you said that you have done it before; is
23 that correct?

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1 MR. HENDERSON: Let me object to
2 the form. I don't think that
3 she said that she stopped in a
4 lane of highway, but she
5 stopped off to the side of the
6 road because obviously she
7 testified yesterday that it
8 would be dangerous to stop in
9 the lane of a highway.

10 MR. COLLINS: Actually I think she
11 testified that she stopped in
12 the highway before.

13 THE WITNESS: No, not in the
14 highway.

15 MR. COLLINS: There was another
16 question I think she -- when I
17 asked her is it customary that
18 she stop on the roadway, I
19 believe she -- we can address
20 that at a later date. I'll
21 withdraw the question for right
22 now.

23 Q. Just a couple of more things, Ms. Baldwin.

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1 We are done with that document there. Let
 2 me ask you one more question about Cuthbert.
 3 Are there any other relatives in Cuthbert
 4 that may be sick or sometimes ill when
 5 you-all travel to see them?
 6 A. Well, my sister-in-law is ill. But she's in
 7 bed at all times.
 8 Q. Is that Lucille Johnson?
 9 A. Right.
 10 Q. Is that one of the reasons why you-all
 11 travel to see her because she's...
 12 A. No.
 13 Q. But when you make it to Cuthbert, you do go
 14 and see her?
 15 A. Definitely.
 16 Q. Anybody else that may be ill or anything to
 17 that effect?
 18 A. No. That's the only ill one there.
 19 (Plaintiff's Exhibit Numbers 15
 20 through 59 marked for
 21 identification.)
 22 Q. The last thing I want to do, Ms. Baldwin --
 23 and I'll give the other attorneys an

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1 opportunity to ask you some questions -- I'm
 2 going to show you about forty-six
 3 photographs that were taken of the accident.
 4 Okay? I want you to just kind of flip
 5 through them and look at them and tell me if
 6 the scene looks familiar to you. When you
 7 got out of the car after the accident, if
 8 you remember seeing Ms. Colvin's vehicle and
 9 your vehicle that you had rented in that
 10 same or similar condition.
 11 Just take a look at those photographs.
 12 Just flip through them and tell me if you
 13 remember that scene -- if those photographs
 14 accurately depict the scene as you saw it
 15 that day. And if you could kind of keep
 16 them in order.
 17 Ms. Baldwin, you had an opportunity to
 18 look at those photographs, correct?
 19 A. Yes.
 20 Q. Do the images in those photographs look
 21 familiar to you? The vehicles and the
 22 scenery, does all of that look familiar to
 23 you?

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1 A. This is the closest one to it.
 2 Q. Does that appear to be the car that you had
 3 rented from Hertz?
 4 A. This car seems to be blue.
 5 Q. Okay. What color was the Hertz car?
 6 A. It looks like it was a rust color or wine or
 7 reddish looking.
 8 Q. But take a look at the entire scene and the
 9 car. You said there was a black car that
 10 hit you as well; is that correct? The black
 11 car is the car that hit you from behind?
 12 MR. WALLER: Object to the form.
 13 Q. What color was the car that hit you from
 14 behind?
 15 MR. WALLER: Object to the form.
 16 A. It seems to have been black. But you don't
 17 show that car -- you don't show another car
 18 on this little strip going up.
 19 Q. Can you take a look at the picture where
 20 your hand is right here, this picture right
 21 here, there on the top. And I believe
 22 that's Plaintiff's Exhibit Number -- What's
 23 the number at the bottom there?

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1 A. Fifteen.
 2 Q. Fifteen. What color is the vehicle in that
 3 photograph?
 4 A. It's sitting over here, but it's dark.
 5 Q. Does it appear to be black or blue?
 6 A. It appears to be black.
 7 Q. Do you remember that vehicle being the
 8 vehicle that was involved in the accident
 9 that you were in?
 10 A. It seemingly might have been.
 11 Q. What about the vehicle right here, does that
 12 kind of look like the vehicle that you may
 13 have been in that you were driving?
 14 A. That is a hit from possibly the right side.
 15 Q. And where was the car that you were driving
 16 hit from?
 17 A. Mostly on the right, I guess, that my sister
 18 said, oh, and, you know, fell over to the
 19 left. And it was all of this blood over
 20 there.
 21 Q. If I represent to you that that is the
 22 vehicle that you rented from Hertz --
 23 A. This is?

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1 Q. Yes.
 2 -- would that sound about right? Could
 3 it possibly have been the vehicle that you
 4 rented from Hertz?
 5 MR. PHILLIPS: Object to the form.
 6 A. It could have, but not been a blue one.
 7 Q. Do any of those pictures look familiar to
 8 you, Ms. Baldwin?
 9 A. Not too much.
 10 Q. Now, when you got out of the vehicle after
 11 the accident, did you take a look at the
 12 scene? Did you look and see what was going
 13 on?
 14 A. No, because it was -- Yeah. Because it
 15 wasn't anybody there but the people that
 16 were in the car that hit me. They didn't
 17 seem to be getting out doing anything. Just
 18 sitting in the car.
 19 Q. And when you got out -- You testified
 20 yesterday that you had got out of the car;
 21 is that correct?
 22 A. Yes.
 23 Q. And that you checked on your sisters and

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1 then you waited for help; is that correct?
 2 A. Right.
 3 Q. While you were waiting, did you look around
 4 to see what vehicles...
 5 A. It seems that nobody was around.
 6 Q. Did you see any cars that looked like they
 7 had been in a collision?
 8 A. No, no.
 9 Q. Did you see a black car?
 10 A. That was standing facing me. Not facing me,
 11 facing the right side of the Hertz car that
 12 I was driving.
 13 Q. Is that the Hertz car that you were driving?
 14 A. This one?
 15 Q. Yes.
 16 A. The color is wrong.
 17 Q. Is that the only thing wrong? Does that
 18 look like the type of vehicle you had
 19 rented, though? Is that the only thing you
 20 represent as being wrong is the color?
 21 A. I'm not sure. And I guess that one
 22 that's -- with its face torn -- that's going
 23 to come back across seemingly. But after it

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1 hit, it just parked over there.
 2 Q. If you would, Ms. Baldwin, slide the
 3 photographs over to me and I'm going to go
 4 through some of them.
 5 A. Okay. This is six.
 6 Q. And I'll put them back in order. Don't
 7 worry about that. Okay?
 8 A. Okay.
 9 Q. Ms. Baldwin, I'm going to show you what is
 10 Plaintiff's Exhibit Number Twenty-nine.
 11 Does that photograph look like the vehicle
 12 that you rented from Hertz?
 13 A. I'm not sure.
 14 Q. Is it similar in type, just the color is
 15 different?
 16 MR. PHILLIPS: Object. It's been
 17 asked and answered. She
 18 doesn't seem to recall.
 19 A. At this point I'm not sure.
 20 Q. Okay. You just can't remember?
 21 A. (Witness shakes head.)
 22 Q. And you say there was a black car over to
 23 the right-hand side. I'm going to show you

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1 what's been marked as Plaintiff's Exhibit
 2 Number Thirty. Does that appear to be the
 3 black car that you remember seeing?
 4 A. You mean this one?
 5 Q. The one in the middle of the page.
 6 A. Going in the wrong direction. And it isn't
 7 going up that little strip behind me.
 8 Q. Okay. Just one second, Ms. Baldwin. Take a
 9 look at Plaintiff's Exhibit Number
 10 Forty-nine. Does that appear to be the area
 11 that you were traveling in Montgomery on
 12 July 27th?
 13 A. Yes.
 14 Q. So that...
 15 A. That's that -- yes, the strip that's going
 16 up.
 17 Q. Okay.
 18 A. It's only one door up there to go through.
 19 Q. Okay. Now, when you say -- Strike that.
 20 Let me ask you this question. So you do
 21 recognize the images in Plaintiff's Exhibit
 22 Number Forty-nine. You see the signs up
 23 there? Do you recognize those?

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1 A. Maybe.
 2 Q. Okay. I think you just said you did. Do
 3 you remember whether or not you were
 4 traveling on that road on July 27th of 2007?
 5 A. Yes.
 6 Q. You were?
 7 A. Yes.
 8 Q. So does that picture fairly and accurately
 9 depict the scene as you remember on July 27,
 10 2007?
 11 A. Yes. See, you drive up here. And to turn
 12 around, only one could go through there to
 13 turn around.
 14 MR. HENDERSON: Ms. Baldwin, just
 15 so I'm clear. When you point
 16 up there, do you mean there was
 17 just one lane that you could go
 18 through?
 19 THE WITNESS: Just one -- it was
 20 just one lane.
 21 MR. HENDERSON: And that's what
 22 you mean when you say door, it
 23 was just -- the lane was the

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1 door, right?
 2 THE WITNESS: No.
 3 MR. COLLINS: Object to the form.
 4 MR. WALLER: Object to the form.
 5 Q. Ms. Baldwin, do this for us. Take this ink
 6 pen and draw an X in the lane in which you
 7 say you were traveling that you were going
 8 through to...
 9 A. Well, it wasn't but one lane.
 10 Q. Can you put an X in the lane looking at that
 11 picture where you were traveling?
 12 A. Well, I guess it could be this one.
 13 MR. HENDERSON: Ms. Baldwin,
 14 that's only if you know. Don't
 15 put it down if you don't know.
 16 A. No. And this is all wrong. Nobody was over
 17 here. It's just that you could go up this
 18 lane to go through this one door to your
 19 left to turn around.
 20 Q. And, if you could for us, Ms. Baldwin, I
 21 notice you have the pen there. Could you
 22 indicate, if you remember, which lane you
 23 were traveling in when you got ready to turn

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1 around? Just put a nice big X right there.
 2 It doesn't have to be too big.
 3 A. To turn around?
 4 Q. Yes.
 5 A. I wasn't going to turn around in this lane.
 6 I didn't want to go on over into Alabama any
 7 further. So I was going to get on this
 8 thing. Well, you had called -- what -- 85
 9 is down here. And going up this lane, just
 10 one car could go up and through.
 11 Q. This probably would show up a little bit
 12 better than that, Ms. Baldwin, if you can
 13 get the top off. Just use that end right
 14 there and make a marking where you were
 15 indicating you were traveling.
 16 MR. HENDERSON: If you know.
 17 Q. If you know.
 18 A. This lane.
 19 Q. And I represent to you that Ms. Baldwin just
 20 drew a red line with a red Sharpie marker
 21 indicating the lane that she was driving.
 22 And I indicate that Ms. Baldwin just
 23 drew a second red line. What's the purpose

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1 of the second red line?
 2 A. This is where I was traveling.
 3 Q. Okay. Now, Ms. Baldwin, is that in the
 4 middle of the interstate or the highway?
 5 A. That's not the highway.
 6 Q. Is it in the middle of the road?
 7 A. When you say road...
 8 Q. Yes, ma'am. Tell me...
 9 A. That's that place that I had gotten off of
 10 85 down here.
 11 Q. Okay.
 12 A. And I was going forward here.
 13 Q. Ms. Baldwin, tell me how many lanes are
 14 indicated in that photograph? Do you see
 15 how many different lanes? Can you count
 16 them?
 17 A. Just one. Is that it?
 18 Q. Okay. And which one were you traveling in?
 19 The one where you drew the red lines?
 20 A. Yeah, between this -- just going straight up
 21 to go through this one door which only one
 22 car could go through.
 23 Q. Okay. Do you see that door on that

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1 photograph right now, Ms. Baldwin?
 2 A. No.
 3 MR. HENDERSON: Let me represent
 4 that I don't see it on there
 5 either because you can't see
 6 past the car.
 7 THE WITNESS: Right.
 8 A. But this is...
 9 Q. Ms. Baldwin, you can hang on to that marker.
 10 I'm going to show you a couple of more
 11 photographs and then we will be done. Okay?
 12 We will straighten these out here
 13 afterwards.
 14 I'm going to show you what's been
 15 marked as Plaintiff's Exhibit Number Fifty.
 16 And it's similar to this photograph on
 17 Forty-nine. And can you look up now and
 18 tell me if you see the door? Can you tell
 19 me if you see the door that you are
 20 referring to?
 21 A. Why did you get this person standing there
 22 because nobody was standing in that little
 23 ramp.

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1 Q. And I'll represent to you, Ms. Baldwin, that
 2 those photographs were taken after the
 3 accident. And so you may see people inside
 4 the photographs that may have not been there
 5 at the time of the accident.
 6 A. Let's see.
 7 Q. Do you see the door that you were referring
 8 to?
 9 A. It should be up here.
 10 Q. If you see it, why don't you circle it for
 11 me with the red marker if you see the door
 12 that you are referring to.
 13 A. No, these arrows are all wrong.
 14 Q. Can you tell me how?
 15 A. They seem to be pointing go on through.
 16 Q. Okay.
 17 A. And not a left turn.
 18 MR. HENDERSON: Let's wait one
 19 second for his question,
 20 Ms. Baldwin.
 21 Q. On that document it appears you drew a door;
 22 is that correct?
 23 A. Right.

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1 Q. Where you say the door should be?
 2 A. Yes.
 3 Q. Are you saying, Ms. Baldwin, the lane that
 4 you just drew on this photograph, is that
 5 the lane that you were driving in?
 6 A. Yes.
 7 Q. And you drew that in red?
 8 A. There is only one lane.
 9 Q. In red marker, right?
 10 A. Right.
 11 Q. Let me show you this document I'm going to
 12 represent to you as Plaintiff's Exhibit
 13 Number Fifty-five. Can you look on that
 14 document and tell me if you see any letters
 15 written in the straight -- in the roadway.
 16 A. No.
 17 Q. Why don't you take a look at it again, look
 18 down on the road and see if you see any
 19 letters that are written in what looks like
 20 paint, orange paint just in that photograph.
 21 A. It wasn't anybody up there.
 22 Q. What I'm looking for is for you to look at
 23 that image right there and see if you see

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1 where somebody wrote three letters POI in
 2 the road. Do you see it?
 3 A. Yes, I see that.
 4 Q. Can you circle that for me with that red
 5 marker?
 6 A. Okay.
 7 Q. And I'm going to represent to you,
 8 Ms. Baldwin, that POI means point of impact.
 9 Is it possible that you were driving in that
 10 lane when the collision occurred?
 11 A. I guess so. It wasn't but one lane there.
 12 Q. All right, Ms. Baldwin. I don't think I
 13 have anything further at this point. I'm
 14 going to turn you over to Mr. Waller. He
 15 may have some questions for you.
 16 Mr. Phillips, who is on the telephone, he
 17 may have some questions for you. And then
 18 your attorney, I'm sure he's going to have
 19 some questions for you as well.
 20 EXAMINATION
 21 BY MR. WALLER:
 22 Q. Ms. Baldwin, are you doing okay? Do you
 23 need to take a break?

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1 A. I'm doing okay.
 2 Q. I'm going to try to be as fast as I can.
 3 Okay?
 4 A. Okay.
 5 Q. Ms. Baldwin, we met yesterday for the first
 6 time. And, as you know, I'm one of the
 7 attorneys representing Ms. Colvin. And I'll
 8 represent to you Ms. Colvin was the driver
 9 of the black vehicle involved in the
 10 collision. Do you remember Ms. Colvin from
 11 yesterday? I represent to you that I'm
 12 representing Ms. Colvin who was the driver
 13 of that black vehicle. Okay?
 14 A. Yes.
 15 Q. If at any time I ask you a question and you
 16 don't understand it, please stop me and I'll
 17 restate it. Okay?
 18 A. Yes.
 19 Q. Mr. Collins was showing you Plaintiff's
 20 Exhibit Fifty. This is the one that you
 21 wrote on. Do you mind if I come over there
 22 right next to you?
 23 A. Sure. Come on.

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1 Q. Ms. Baldwin, let me ask you this. Does this
 2 diagram in the scene that's depicted right
 3 here, does that accurately depict the
 4 roadway immediately after the accident?
 5 MR. HENDERSON: If you know,
 6 Ms. Baldwin.
 7 A. If I can discard all of that.
 8 Q. So by all of that, you are saying discard
 9 the individual who is right here on the
 10 right of the picture? Is that what you are
 11 talking about?
 12 A. Unless that person got -- No, nobody got out
 13 of the car that hit me.
 14 Q. Let me do this, Ms. Baldwin. I'll represent
 15 to you that this is a police officer. And
 16 this picture was taken after the accident.
 17 Okay?
 18 A. Okay.
 19 Q. Here is my question based on that. Okay.
 20 Does this picture -- this scene identified
 21 in Plaintiff's Exhibit Fifty with the
 22 exception of the police officer and the
 23 cars, does this scene of the roadway, does

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1 that accurately depict the roadway as you
 2 remember it --
 3 A. Yes.
 4 Q. -- at the time of the accident?
 5 A. Yes.
 6 Q. Mr. Collins had asked to you identify how
 7 many lanes are depicted on this roadway. It
 8 is my understanding you testified there was
 9 one lane?
 10 A. Right.
 11 Q. In looking on this picture, you don't have
 12 any reason to disagree with that, do you?
 13 A. No.
 14 Q. This individual right here to the right,
 15 Ms. Baldwin -- do you see this individual on
 16 Plaintiff's Exhibit Fifty?
 17 A. Uh-huh (positive response).
 18 Q. Where do you believe he is standing? Is he
 19 standing in the roadway or on the shoulder?
 20 A. It should be -- well, he was on -- It wasn't
 21 any shoulder. It was just a scoop up.
 22 Q. But based on this picture right here and --
 23 and I'm asking you about this picture --

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1 where do you think this gentleman is
 2 standing? In the lane still?
 3 A. No. He wouldn't be in the lane. Oh, from
 4 looking at this picture, it looks like he's
 5 in the lane because it looks like you have
 6 all of this as the lane.
 7 Q. Ms. Baldwin, you'll recall yesterday that
 8 you testified that at some time prior to the
 9 collision or prior to the accident that you
 10 had backed your car up; is that correct?
 11 A. Not on this, not on that ramp.
 12 Q. Where did you back your car up, Ms. Baldwin,
 13 in relation to the ramp which is Plaintiff's
 14 Exhibit Fifty?
 15 A. It was beside the ramp where, you know, you
 16 can stop. It's no traveling down there.
 17 Q. Let me do this real quick. I'm going to see
 18 if I can have a picture that shows that area
 19 so you can tell us about it. Okay?
 20 A. Okay.
 21 Q. Ms. Baldwin, can you tell us how many
 22 seconds went by from the time that you
 23 backed the vehicle up until the time that

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1 the accident happened? .
 2 MR. HENDERSON: Object to the
 3 form. Only if you know.
 4 A. No, I couldn't tell you.
 5 Q. Would minutes be a better description, if
 6 you know?
 7 A. Yeah. And I wouldn't know those.
 8 Q. Was it less than an hour from the time...
 9 A. Oh, yes.
 10 Q. Was it less than five minutes from the time
 11 that you backed up until the accident?
 12 A. I didn't back up to the accident.
 13 Q. Right. And that was the way I phrased, and
 14 I'll rephrase it. I'm glad you told me. I
 15 want to be sure we both understand. Okay?
 16 Was the period of time less than five
 17 minutes from the time that you backed up
 18 until the time of the accident?
 19 MR. HENDERSON: If you know.
 20 Q. You can answer, if you know.
 21 A. No, I don't know.
 22 Q. I'm asking your opinion. You don't know
 23 whether or not it was less than five

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1 minutes?
 2 A. No, I'm not sure.
 3 Q. Ms. Baldwin, isn't it true that you don't
 4 know for a fact, do you, that at the time of
 5 your backing up the accident happened
 6 immediately thereafter?
 7 A. Well, as I pulled to my right and got on
 8 that ramp going up, it was no time.
 9 Q. When you say no time, you mean pretty
 10 instantaneous after that?
 11 A. Right.
 12 Q. And to get on the ramp, would you have had
 13 to back up to get on that ramp?
 14 A. Yes, I would.
 15 Q. Yesterday you had mentioned at some point
 16 you were going to turn left. Do you
 17 remember saying that?
 18 A. Right.
 19 Q. Will you show us -- Scratch that. Did you
 20 have a chance to turn left before the
 21 accident?
 22 A. I might have. But it looked like all I
 23 could see was that 85 is just going on and

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1 on. So that was the only place I saw that I
 2 could turn around.
 3 Q. Were you tired by that time?
 4 MR. HENDERSON: Object to the
 5 form.
 6 Q. Ma'am, you can answer.
 7 A. No. I wasn't tired.
 8 Q. You weren't tired?
 9 A. No.
 10 Q. That particular day, Ms. Baldwin, do you
 11 recall traveling south of Montgomery?
 12 A. South of -- No, not south of Montgomery. It
 13 seemed that if I had kept going 85, I would
 14 have gone on into Montgomery.
 15 Q. Let me show you Plaintiff's Exhibit
 16 Fifty-five that Mr. Collins just showed you.
 17 He represented those letters POI. Would you
 18 have any reason to disagree with the police
 19 officer's opinion that the point of impact
 20 between the vehicles was depicted as shown
 21 in Plaintiff's Exhibit Fifty-five?
 22 A. No.
 23 Q. I'll even rephrase it even though you

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1 answered. Assuming a police officer or the
 2 facts established that the point of impact
 3 is located on Plaintiff's Exhibit Fifty-five
 4 as you are looking at here, would you have
 5 any reason whatsoever to disagree with that?
 6 A. No.
 7 Q. Ma'am?
 8 A. No. It's too much in that picture. That --
 9 just disregard all of this stuff.
 10 Q. When you say stuff, you mean the cars that
 11 are in the picture?
 12 A. Yes, these.
 13 Q. But the scene of the accident, that's a fair
 14 depiction, would you agree, with the
 15 exception of the cars? Is that right?
 16 A. Well, I don't know because I wouldn't know
 17 if any cars were down there.
 18 Q. Ms. Baldwin, I'm going to turn your
 19 attention real quick and go over some
 20 questions that I had written down when
 21 Mr. Collins was asking you questions. I'm
 22 going to try to do my best not to repeat
 23 what he asked you yesterday. I just have a

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1 few.
 2 Do you have any children?
 3 A. No.
 4 Q. Have you ever been married?
 5 A. Yes.
 6 Q. Who were you married to?
 7 A. Renzie L. Baldwin.
 8 Q. Was that your only marriage?
 9 A. Yes.
 10 Q. Have you ever served in the military?
 11 A. No.
 12 Q. Mr. Collins talked about your medical
 13 conditions yesterday, and you provided us
 14 with an exhibit showing your medications.
 15 Do you remember that?
 16 A. Yes.
 17 Q. I want to ask you something about the drug
 18 Namenda.
 19 A. Namenda?
 20 Q. Yes, ma'am.
 21 A. N-a-m-e-n-d-a.
 22 Q. Correct. Do you take that?
 23 A. Yes.

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1 Q. And based on your response yesterday, you
 2 indicated that you had been diagnosed with
 3 dementia; is that correct?
 4 A. Dementia.
 5 MR. HENDERSON: I don't know if
 6 she said she was diagnosed with
 7 dementia. She said she took it
 8 for dementia.
 9 MR. WALLER: I'll rephrase it.
 10 Q. Do you take the Namenda for dementia?
 11 A. Yes.
 12 Q. And how long have you been taking any
 13 medication for dementia?
 14 A. I don't know.
 15 Q. Is it years?
 16 A. Maybe.
 17 Q. Well, were you taking medication for
 18 dementia before July of 2007?
 19 A. Yes.
 20 Q. Am I correct to assume that there are some
 21 periods of time where you mistakenly failed
 22 to take some medication?
 23 MR. HENDERSON: Object to the

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1 form.
 2 Q. You can answer.
 3 A. Has it ever been a time that I failed to
 4 take...
 5 Q. Some medication, whatever it be?
 6 A. I would say no. Sometime during the day I
 7 take it. It might not be at the same time.
 8 Q. What types of symptoms were you experiencing
 9 that made you get these medications for
 10 dementia?
 11 A. I guess it was dizziness.
 12 Q. Forgetfulness?
 13 A. No. Just dizzy.
 14 Q. Confusion?
 15 A. No. I wasn't confused. I was just -- you
 16 know, I possibly couldn't walk straight.
 17 Q. Have you ever been diagnosed with
 18 Alzheimer's?
 19 MR. HENDERSON: Object to the
 20 form.
 21 Q. Have you ever heard any doctor tell you that
 22 you had Alzheimer's?
 23 A. No.

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1 MR. HENDERSON: Object to the
 2 form.
 3 Q. You haven't?
 4 A. (Witness shakes head.)
 5 Q. Ma'am, is that right? Do you want me to
 6 repeat my question? Are you still thinking?
 7 A. No. You can repeat it. Has anybody ever
 8 diagnosed me with Alzheimer's?
 9 Q. Yes.
 10 A. No.
 11 Q. Has any doctor told you that the Namenda
 12 medication, one of the side effects could be
 13 confusion?
 14 A. No.
 15 Q. Your last doctor that you saw in Georgia --
 16 and we talked about it yesterday -- do you
 17 recall seeing a doctor in Georgia?
 18 A. Yes.
 19 Q. Who helps you set up appointments? Is it
 20 Mr. Johnson's wife?
 21 A. Right.
 22 Q. Would she be the person most knowledgeable
 23 about your medical conditions?

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1 A. Yes.
 2 Q. And, in fact, does she make sure that you
 3 stay up to date and you take the medication
 4 as depicted on Plaintiff's...
 5 A. Yes.
 6 MR. COLLINS: Object to the form.
 7 We are referring to since the
 8 accident, correct?
 9 MR. WALLER: Yes.
 10 Q. You've only lived with them since the
 11 accident; is that right?
 12 A. Yes.
 13 Q. Plaintiff's Exhibit Five, is Ms. Johnson --
 14 she's the one that helps you out and makes
 15 sure you take these medications currently,
 16 right?
 17 A. Yes. She helps me.
 18 Q. Did Ms. Irena Johnson know that you were
 19 taking medication for dementia prior to her
 20 death?
 21 MR. COLLINS: Object to the form.
 22 MR. HENDERSON: Object to the
 23 form.

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1 Q. Would you like me to repeat it?
 2 A. Yes.
 3 Q. Did Ms. Irena Johnson know that you took
 4 medication for dementia before the accident?
 5 MR. COLLINS: Same objection.
 6 MR. HENDERSON: Object to the
 7 form.
 8 Q. They are making a legal objection. You can
 9 answer if you know.
 10 A. No.
 11 Q. Y'all lived together for over forty years;
 12 is that right?
 13 A. Right.
 14 Q. And y'all did everything together pretty
 15 much; is that right?
 16 A. Right.
 17 Q. And you took this medication every day; is
 18 that right?
 19 A. Yes.
 20 Q. And you are telling us that Ms. Johnson --
 21 you are not sure whether Ms. Johnson knew
 22 that you took this medication for dementia?
 23 MR. COLLINS: Object to the form.

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1 MR. HENDERSON: Object to the
 2 form.
 3 Q. You can answer. Would you like me to repeat
 4 it?
 5 A. She wouldn't know what it was for.
 6 Q. Had you ever complained to her about any
 7 symptoms associated with dementia?
 8 A. No.
 9 Q. What about Mr. Johnson here, did Mr. Johnson
 10 know that you took medication for dementia
 11 before the accident?
 12 MR. COLLINS: Object to the form.
 13 MR. HENDERSON: Object to the
 14 form.
 15 Q. Ma'am? Would you like me to repeat it?
 16 A. Would he know...
 17 Q. Did he know?
 18 MR. COLLINS: Are we talking about
 19 before the accident or after?
 20 MR. WALLER: Before the accident.
 21 Q. I'll repeat the question. Okay,
 22 Ms. Baldwin? Do you want me to repeat it?
 23 A. He doesn't know what all of those medicines

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1 are for.
 2 Q. I'm looking on Plaintiff's Exhibit Five, and
 3 I can read under the purpose it says
 4 dementia. Is that right? Is that what's
 5 listed on Plaintiff's Exhibit Five? It has
 6 dementia right under the purpose.
 7 MR. HENDERSON: These aren't
 8 marked. Which one are you
 9 talking about?
 10 Q. Right here. I'm showing you Plaintiff's
 11 Exhibit Five. I'm talking about number six,
 12 Namenda. Do you see that, Ms. Baldwin,
 13 right here?
 14 A. Uh-huh (positive response).
 15 Q. Do you see the second column it says
 16 purpose?
 17 A. Uh-huh (positive response).
 18 Q. Under that it says dementia. Do you see
 19 that?
 20 A. Uh-huh (positive response).
 21 Q. Who prepared this for you, Plaintiff's
 22 Exhibit Five?
 23 A. Well, my niece.

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1 Q. Who is that?
 2 A. Sandra.
 3 Q. Mr. Johnson's wife?
 4 A. Right.
 5 Q. And you are telling me that up until today
 6 Mr. Johnson didn't know that you suffer from
 7 dementia?
 8 MR. COLLINS: Object to the form.
 9 Asked and answered.
 10 Q. Do you need me to repeat it? Would you like
 11 me to repeat it?
 12 A. Go on.
 13 Q. Are you telling us that until today that
 14 Mr. Johnson didn't know that you suffered
 15 from dementia?
 16 A. I don't think he would.
 17 Q. Did you tell this doctor in Georgia that you
 18 took all of these medications in Plaintiff's
 19 Exhibit Five?
 20 A. Did I tell a doctor?
 21 Q. This last doctor in Georgia that you
 22 visited, do you remember telling us about
 23 that yesterday once you started living with

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1 Mr. Johnson?
 2 A. Uh-huh (positive response).
 3 Q. Do you remember telling us that?
 4 MR. HENDERSON: Which doctor are
 5 you talking about? What's his
 6 name?
 7 MR. WALLER: Let's ask her.
 8 Q. What is the doctor's name in Georgia that
 9 you saw, Ms. Baldwin?
 10 A. The physical doctor is Woods.
 11 Q. Dr. Woods?
 12 A. Yes.
 13 Q. Did you tell Dr. Woods when you saw him that
 14 you were taking all of this medication that
 15 you listed on Plaintiff's Exhibit Five?
 16 A. Yes.
 17 Q. You did?
 18 A. Yes.
 19 Q. Did he ever discuss with you...
 20 A. Well, I -- I might have told him about the
 21 eye medicine.
 22 Q. Would this document, Plaintiff's Exhibit
 23 Five, have been something that you presented

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1 to Dr. Woods or not?
 2 A. Did I -- I just told him what I was taking.
 3 Q. So you told him that you were taking every
 4 medication that you have listed on
 5 Plaintiff's Exhibit Five here?
 6 A. Yes.
 7 Q. Did he discuss with you any potential
 8 negative effects or adverse reactions when
 9 taking all of these medications together?
 10 MR. HENDERSON: Object to the
 11 form.
 12 Q. Ma'am? Did he discuss that with you? He
 13 just objected to the form.
 14 A. No.
 15 Q. He didn't discuss any of that?
 16 A. No.
 17 Q. Ma'am, if you can look on Plaintiff's
 18 Exhibit Five right there that you are
 19 looking at -- I'll show you this. You've
 20 got number four down on the bottom. It says
 21 over-the-counter drugs. Do you want to look
 22 at this so we can be on the same page? You
 23 have it on yours. I guess that's an exact

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1 copy. It has Ecotrin. Do you see that?
 2 A. Ecotrin, over the counter, uh-huh (positive
 3 response).
 4 Q. What is that for?
 5 A. Oh, that's a coated aspirin.
 6 Q. Is that pain medication?
 7 A. Yes.
 8 Q. How often do you take that?
 9 A. Once a day.
 10 Q. Did you take it?
 11 A. Today.
 12 Q. You took it today. Did you take it the day
 13 of July 27 of '07, the day of the accident?
 14 A. Yes, I think I did.
 15 Q. Do you know whether or not you took that? I
 16 know it's been a long time. That's the
 17 reason I'm asking.
 18 A. Yes.
 19 Q. You don't know?
 20 A. I would think I take them all.
 21 Q. Ms. Baldwin, is there a reason that you and
 22 your sisters chose to fly into Atlanta as
 23 opposed to driving to Atlanta?

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1 A. She didn't think that -- Oh, to drive.
 2 Well, from -- we were saying thinking that
 3 my car was so old, an '87, that probably it
 4 was time that it might not make it.
 5 Q. Was there any other reason that you and your
 6 sisters chose to fly into Atlanta as opposed
 7 to drive into Atlanta?
 8 A. That's the reason.
 9 Q. Did you feel comfortable driving a
 10 vehicle --
 11 A. Yes.
 12 Q. -- at that time?
 13 A. Very comfortable.
 14 Q. Do you still drive vehicles?
 15 A. No.
 16 Q. Why is that?
 17 A. Because too much happened.
 18 Q. What you mean by that?
 19 A. That the one that I rented was chipped up.
 20 So...
 21 Q. Chipped up, you mean after the accident?
 22 A. No, no.
 23 Q. Explain that for me.

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1 A. The one that I was driving was the rental
 2 car, and it was chipped up like it was just
 3 a glass car.
 4 Q. Prior to the day of the accident, which is
 5 July 27, 2007, prior to that day had any
 6 family member told you not to drive a
 7 vehicle?
 8 MR. HENDERSON: Object to the
 9 form.
 10 MR. COLLINS: Object to the form.
 11 Q. You can answer.
 12 A. It seemed that you had asked that before.
 13 Q. Ma'am?
 14 A. It seemed that you asked that before.
 15 Q. No, ma'am, I don't think I did.
 16 A. Just Irena, the one that was killed, thought
 17 that to rent a car because my car being an
 18 '87 just might not make this trip.
 19 Q. Right. And I understand your answer. And I
 20 guess we are a little confused. My question
 21 is, though, Ms. Baldwin, prior to the day of
 22 the accident in our case had any family
 23 member...

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1 A. No.
 2 Q. Let me get through with my question, please,
 3 ma'am.
 4 Prior to July 27 of '07 had any family
 5 member whatsoever told you not to drive a
 6 vehicle?
 7 A. No.
 8 Q. Prior to July 27 of '07 had any family
 9 member told you they were concerned with
 10 your driving ability?
 11 A. No.
 12 Q. Prior to July 27 of '07 had any family
 13 member told you they were concerned with the
 14 amount of medication you were taking while
 15 driving?
 16 A. No.
 17 Q. Did that ever concern you?
 18 MR. HENDERSON: Object to the
 19 form.
 20 A. No.
 21 Q. Do you still feel like you are capable of
 22 driving a vehicle today?
 23 A. I don't want to.

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1 Q. Why is that?
 2 A. Because of the accident.
 3 Q. Because you are scared of getting in another
 4 accident?
 5 MR. HENDERSON: Object to the
 6 form.
 7 Q. Why, because of the accident?
 8 A. Why, because of the accident?
 9 Q. Yes, ma'am. You said you were not going to
 10 drive another vehicle because of the
 11 accident. My question is why?
 12 A. I don't want to be involved in -- I might
 13 be. And it doesn't have to be my fault as
 14 it wasn't my fault then.
 15 Q. Do you believe that any actions or inactions
 16 taken by you on July 27 of 2007 contributed
 17 to the death of your sister?
 18 MR. HENDERSON: Object to the
 19 form.
 20 A. Any action, no.
 21 Q. You don't feel like any actions -- Is that
 22 what you said, no?
 23 A. Yes.

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1 Q. When you go to the doctor, who is listed as
 2 your next of kin or your immediate contact?
 3 A. Well, when I go here, it's my niece or my
 4 nephew.
 5 Q. Your nephew Plaintiff Robert Johnson?
 6 A. Yes.
 7 Q. If you didn't take the drops for the
 8 glaucoma daily, would you tell the members
 9 of the jury what would happen? How would
 10 your eyes be?
 11 MR. HENDERSON: Object to the
 12 form.
 13 Q. Do you need me to repeat the question?
 14 A. You can.
 15 Q. Ma'am?
 16 A. Go on.
 17 Q. Would it help you if I did?
 18 A. No.
 19 Q. No?
 20 A. Because the doctor, you know, see about my
 21 eyes.
 22 Q. Right. What symptoms would you get that
 23 caused you to go to the doctor to get the

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1 glaucoma medicine?
 2 A. I don't have any symptoms, I don't suppose.
 3 I have dry eyes. They just need some...
 4 Q. Were you wearing your glasses at the time of
 5 the accident on July 27 of '07?
 6 A. Yes.
 7 Q. Did you have any sunglasses on?
 8 A. No.
 9 Q. Was there light still out at that time?
 10 A. It looked like it was day to me.
 11 Q. It looked like it was complete daylight?
 12 A. Uh-huh (positive response).
 13 Q. Is that a yes?
 14 A. (Witness nods head.)
 15 Q. Just say yes so she can get it on the
 16 record?
 17 A. Yes.
 18 Q. I want to skip around a little bit. Do you
 19 recall driving to Florida? When I say this,
 20 I'm talking about the week of July 27 of
 21 '07. Okay?
 22 A. Uh-huh (positive response).
 23 Q. Do you recall driving to Florida on more

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1 than one occasion?
 2 A. Uh-huh (positive response).
 3 Q. You do?
 4 A. Uh-huh (positive response).
 5 Q. Is that a yes?
 6 A. Yes.
 7 Q. How many times did you drive to Florida?
 8 A. Just that once.
 9 Q. You drove to Florida and then you drove back
 10 up to Atlanta?
 11 A. Back up to get on 85.
 12 Q. Have you ever spoken with the driver of that
 13 black vehicle who was also involved in the
 14 collision, Ms. Denita Colvin?
 15 A. Not that I know of.
 16 Q. Have you ever spoken to any witnesses who
 17 claim they witnessed the accident?
 18 A. No. They couldn't witness the accident when
 19 it's just the car that hit me and me going
 20 up that ramp. There couldn't be any
 21 witnesses.
 22 Q. Did you ever see the driver of the black car
 23 after the accident?

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1 A. No. Just -- No, I didn't go over to the car
 2 because after it turned, it seemed it was
 3 going to come across the driveway.
 4 Q. What do you feel the driver of the black car
 5 did wrong, if anything?
 6 A. Hit me at the back.
 7 Q. At the time that the black car impacted or
 8 hit your vehicle, was your vehicle stalled,
 9 stopped?
 10 A. No.
 11 Q. Was your vehicle moving forward?
 12 A. Moving forward.
 13 Q. How fast was your vehicle moving forward, if
 14 you can estimate?
 15 A. I guess about -- I really don't know. But
 16 not that fast. Possibly thirty or forty
 17 miles an hour.
 18 Q. Did you ever go back to the scene of the
 19 accident after you left and went to the
 20 hospital?
 21 A. No.
 22 Q. You never took any measurements?
 23 A. Measurements?

Deposition of Willie Eva Baldwin

February 27th and 28th, 2008

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1 Q. Yes, ma'am. You never went out and measured
2 the scene, did you?
3 A. Oh, no.
4 Q. Did you ever take any photos of the scene?
5 A. No.
6 Q. Did you ever take any photos of any of the
7 cars involved in the accident?
8 A. No. It wasn't but one car involved.
9 Q. One car involved in the accident?
10 A. Right.
11 Q. Was that your car?
12 A. The one that hit me from behind.
13 Q. Did you ever see the black vehicle before
14 the impact?
15 A. No.
16 Q. What were you doing at the time of the
17 impact?
18 A. Just going up -- driving up to go through
19 that one little door and make a left turn to
20 turn around.
21 Q. I'm confused because you told us earlier
22 that you had gone backwards in reverse; is
23 that right, at some time prior to the

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1 accident? Is that what you told us earlier?
2 A. No, I didn't. Not on that ramp.
3 Q. Right.
4 A. All on that ramp was going forward.
5 Q. What was the purpose of backing up at some
6 point in time before you say you got on the
7 ramp?
8 A. Because it seemed that I was just going to
9 go on and go on to Alabama.
10 Q. When you backed up, did you turn right or
11 left to get where you wanted to go?
12 A. No.
13 Q. What...
14 A. No turning.
15 Q. Okay. When you backed...
16 A. It was on the -- like the highway is here.
17 And I'm driving on the right side because I
18 know I want to pull off, you know, when it's
19 a place that I could pull off to turn
20 around. But just going and going, it seemed
21 that, you know, the big highway was just
22 going to continue. So I saw this ramp going
23 up.

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1 Q. Is that depicted in Forty-nine there, the
2 ramp that you saw going up?
3 A. Well, I made the ramp.
4 Q. You made the ramp? Is that what you said?
5 A. Yes. You can call this that you made the
6 ramp if that's the car that's struck me from
7 behind. But it seemed no one ever got out
8 of the car that was -- that hit me.
9 Q. You don't know if they were injured or not,
10 do you?
11 A. No, I don't.
12 Q. Do you even know if their car door was
13 operable where they could get out?
14 A. No, I don't know. It seemed that they never
15 attempted to get out. They just -- when it
16 sort of turned to come across that ramp, it
17 seemed that they just -- they were still in
18 the car.
19 Q. Are you aware of any witnesses saying that
20 you were backing up into oncoming traffic at
21 the time of the impact?
22 A. Well, they weren't telling the truth.
23 Q. My question was, are you aware of witnesses?

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1 A. No, I'm...
2 Q. You are not aware of anyone saying that?
3 A. No.
4 Q. Assuming witnesses put you backing up at the
5 time of the accident, would you disagree
6 with that statement?
7 A. Definitely.
8 Q. Assuming witnesses testify that you were
9 backing up into oncoming traffic at the time
10 of the accident, would you say that they are
11 fabricating their testimony?
12 A. Right. It's not the truth.
13 MR. COLLINS: Object to the form.
14 Q. Are you aware of my client, Ms. Colvin, the
15 driver of that black vehicle making a claim
16 against you for her injuries?
17 A. She was injured?
18 Q. Are you aware of Ms. Colvin making a claim?
19 A. No.
20 Q. You are not?
21 A. No.
22 Q. You know that Mr. Johnson here filed this
23 lawsuit against you and other people? Is

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1 that your understanding?
 2 A. Uh-huh (positive response).
 3 Q. Is that a yes?
 4 A. Yes.
 5 Q. Do you know what the allegations are against
 6 you?
 7 A. What?
 8 Q. I'm asking you, do you know what they are
 9 saying that you did?
 10 A. What I did do?
 11 Q. I'm asking you. There is no right or wrong
 12 answer.
 13 A. No.
 14 Q. You are not aware?
 15 A. No.
 16 Q. We talked about this yesterday. Will you
 17 make sure that Mr. Henderson gets a list of
 18 all doctors that you saw while you were in
 19 Georgia? Will you make sure he gets that?
 20 A. Of all of the doctors.
 21 Q. Yes, ma'am. We can get that later, but will
 22 you make sure Mr. Henderson gets that for
 23 us.

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1 A. Okay.
 2 THE WITNESS: How will you get it,
 3 Mr. Henderson?
 4 MR. HENDERSON: I'll call you
 5 about it.
 6 THE WITNESS: Okay.
 7 Q. I've just got a couple more. Bear with me,
 8 Ms. Baldwin. You are doing great.
 9 You had mentioned yesterday,
 10 Ms. Baldwin, about missing a piece of
 11 luggage at the airport; is that right?
 12 A. Right.
 13 Q. Isn't it true that that luggage contained
 14 your medicine?
 15 A. No.
 16 Q. Whose luggage was that?
 17 A. Mine.
 18 Q. What did that luggage contain?
 19 A. Clothing.
 20 Q. Where was your medicine stored?
 21 A. In my carry-on bag.
 22 Q. Did you have your carry-on bag with you --
 23 A. Yes.

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1 Q. -- the day of the accident?
 2 A. Yes.
 3 Q. When did you get that luggage bag back?
 4 A. I haven't gotten it back yet.
 5 Q. You never got it back?
 6 A. No.
 7 Q. Was there any medication whatsoever that was
 8 stored in that luggage bag?
 9 A. No.
 10 Q. Do you know who would have watched you take
 11 the medication -- your medication that's
 12 listed on Plaintiff's Exhibit Five the day
 13 of the accident?
 14 A. Who would have watched me? Possibly nobody.
 15 Q. Do you have a distinct recollection of
 16 taking every medicine you have listed on
 17 Plaintiff's Exhibit Five the day of the
 18 accident, July 27 of '07?
 19 MR. COLLINS: Object to the form.
 20 Asked and answered.
 21 Q. Do you need some more time, ma'am? Do you
 22 need some more time to answer my question?
 23 A. Oh.

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1 Q. That's okay. Do you have a distinct
 2 recollection that you took each one of these
 3 medicines on July 27 of '07?
 4 A. Yes.
 5 Q. You do?
 6 A. Yes.
 7 Q. Would anybody have seen you take that?
 8 A. I'm not really sure.
 9 Q. Earlier you told Mr. Collins that you were
 10 involved in a prior accident about two years
 11 ago. Do you remember talking about that in
 12 Atlanta?
 13 A. Uh-huh (positive response).
 14 Q. Do you remember that?
 15 A. Uh-huh (positive response).
 16 Q. Is that a yes?
 17 A. Yes.
 18 Q. You had mentioned that the ladies -- Am I
 19 correct to assume that your two sisters were
 20 with you then, too?
 21 A. Yes.
 22 Q. Was anybody injured in that accident?
 23 A. No.

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1 Q. Do you accept any fault whatsoever from that
2 particular accident?
3 MR. HENDERSON: Object to the
4 form.
5 A. No.
6 Q. Were you trying to turn left in that
7 accident, too?
8 A. No.
9 MR. COLLINS: Object to the form.
10 MR. WALLER: What's your
11 objection?
12 MR. COLLINS: I just object to the
13 form, too.
14 MR. HENDERSON: Not relevant.
15 Q. Ma'am, they are objecting to the form. You
16 can answer, if you know.
17 A. No. I wasn't trying to turn left.
18 Q. When you woke up the morning of July 27,
19 '07, when you woke up that morning, what
20 time did you and your sisters leave to head
21 to Cuthbert, Georgia?
22 A. I don't know.
23 Q. Do you have a recollection leaving that

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1 morning?
2 A. Yes.
3 Q. Do you know where all you went that day?
4 And let me rephrase.
5 A. No place.
6 Q. I represent to you -- I'm sorry. I'll
7 represent to you the accident in Montgomery
8 happened around seven p.m. that night. Do
9 you know what you did that day? If the
10 accident occurred in Montgomery at seven
11 p.m. that night, do you recall where all you
12 had been that particular day?
13 A. On the highway.
14 Q. You had been on the highway the whole time?
15 A. I don't know.
16 Q. Is it fair to say you just don't recall some
17 of the details of the accident?
18 A. Details of the accident?
19 Q. Yes, ma'am.
20 MR. HENDERSON: Object to the
21 form.
22 Q. Ma'am, you just told me you don't remember
23 what you did that day; is that right?

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1 MR. HENDERSON: Object to the
2 form.
3 Q. Is that right, Ms. Baldwin?
4 A. Nothing but drive.
5 Q. It is your recollection that you drove --
6 you were driving from the time you left that
7 morning until the time of the accident at
8 approximately seven p.m. in Montgomery; is
9 that right?
10 A. What was your question?
11 Q. I'm just trying to establish, Ms. Baldwin,
12 if you know what you did the day of July 27,
13 2007 from the time you left Atlanta until
14 the time of the accident in Montgomery.
15 A. Left Atlanta. I don't remember doing
16 anything.
17 Q. That's okay. Was this the first time you
18 had been on a plane in July of 2007?
19 A. No.
20 Q. You had been on one before?
21 A. Yes.
22 Q. I'm trying to get through, Ms. Baldwin.
23 Bear with me.

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1 Do you recall telling the police
2 officer that you had only been driving about
3 thirty minutes prior to the accident that
4 night?
5 A. Thirty minutes?
6 Q. Uh-huh (positive response).
7 A. Uh-uh (negative response).
8 Q. You don't recall telling the officer that?
9 A. No.
10 MR. WALLER: Ms. Baldwin, I think
11 that's all I have for you.
12 EXAMINATION
13 BY MR. PHILLIPS:
14 Q. Ms. Baldwin, did your sister Irena suffer
15 from the glaucoma that you know of?
16 A. Did she what?
17 Q. Did she have glaucoma?
18 A. Car cover?
19 Q. Glaucoma.
20 MR. HENDERSON: Glaucoma.
21 MR. PHILLIPS: Yes. Thank you.
22 MR. HENDERSON: Do you know if she
23 suffered from glaucoma?

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1 THE WITNESS: She didn't suffer
2 from it.
3 MR. HENDERSON: Do you know if she
4 had glaucoma?
5 THE WITNESS: No, I don't know.
6 MR. HENDERSON: She doesn't know,
7 John.
8 MR. PHILLIPS: Okay. Thank you.
9 Q. Do you know if she suffered from dementia?
10 A. No.
11 Q. How long did you and Irena live together?
12 A. Live together?
13 Q. Yes, ma'am.
14 A. Probably forty years.
15 Q. And let's just think about the last five
16 years y'all lived together. Who paid for
17 the power bill?
18 A. Who paid for the...
19 MR. HENDERSON: Power bill.
20 MR. COLLINS: Electricity.
21 A. Together.
22 Q. There was one bill that came to the house
23 and y'all split it?

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1 A. Yes.
2 Q. So the same for the phone bill?
3 A. The phone bill?
4 Q. Yes, ma'am.
5 A. Yes.
6 Q. It's kind of a strange question, but did you
7 and Irena have the same key that opened the
8 front door -- not shared the key, but it was
9 the same key that worked the front door?
10 A. We had our own keys.
11 Q. But that key was...
12 A. The same.
13 Q. If you traded keys with her, it would open
14 the same door, correct? In other words,
15 your key didn't open a separate door than
16 Ms. Irena's key, right?
17 A. No, no.
18 Q. Ms. Baldwin, have you had a conversation
19 with Mr. Johnson about the damages that he's
20 suing you for?
21 A. No.
22 Q. Have you asked him why he's suing you?
23 A. No.

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1 MR. PHILLIPS: That's all I have.
2 Thank you.
3 MR. HENDERSON: Can we take a
4 quick break?
5 (Brief recess.)
6 EXAMINATION
7 BY MR. HENDERSON:
8 Q. Ms. Baldwin, I'm just going to ask you a few
9 questions, and I want to try to clear up a
10 few things that may have come across as
11 being confusing -- may have confused a few
12 of us in the deposition.
13 One thing is earlier you were talking
14 about going toward a door on the interstate.
15 Do you remember that, that you were going
16 toward a door?
17 A. Not on the interstate. On that ramp.
18 Q. On the ramp. Okay. I'm going to show you a
19 picture, Plaintiff's Exhibit Number
20 Twenty-six. Okay. Do you see the door that
21 you've been referring to about going towards
22 on that ramp?
23 A. No. I don't see the door. But it's up on

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1 the ramp. It's just one exit up there.
2 Q. Okay. So you don't...
3 A. It's to the left.
4 Q. So you don't see it on this picture?
5 A. No. I don't see a door.
6 Q. Let me ask you a few more. But the door was
7 a place where you could go and turn around
8 off the interstate; is that right?
9 A. I assumed it would be that I could turn
10 around some place.
11 Q. Now, these lawyers have been talking to you
12 about stopping on the interstate or the
13 highway and backing up. Do you remember
14 stopping in the middle of the interstate?
15 A. No, I didn't.
16 Q. Do you remember backing up in the middle of
17 the interstate?
18 A. No.
19 Q. Where you backed up, was that on the side of
20 the interstate?
21 A. Right. On the right side.
22 Q. Would that have been in an area where cars
23 did not travel?

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1 A. Right.
 2 Q. Kind of on the edge of the highway?
 3 MR. WALLER: Object to the form.
 4 Q. Would that be on the edge of the highway?
 5 MR. WALLER: Object to the form.
 6 A. Yeah.
 7 Q. Ms. Baldwin, do you remember if your sister
 8 Irena gave you any money for the hotel room?
 9 A. No.
 10 Q. Do you remember if she gave you any money
 11 for the rental car?
 12 A. No.
 13 Q. Did you ask Irena to give you any money for
 14 the hotel room?
 15 A. No.
 16 Q. Did you ask Irena to give you any money for
 17 the rental car?
 18 A. No.
 19 Q. Would that have been something that she
 20 would have done on her own?
 21 A. She would have done it on her own.
 22 Q. Did you require that Irena give you any
 23 money for expenses?

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1 A. No.
 2 Q. Would you have taken Irena on this trip
 3 anyway if she hadn't given you any money for
 4 expenses?
 5 A. Right.
 6 Q. And your other sister that went,
 7 Ms. Prather, on the trip with you, she
 8 didn't give you any money, did she?
 9 A. No.
 10 Q. And she didn't give you any money for
 11 expenses, did she?
 12 A. No.
 13 MR. HENDERSON: That's all of the
 14 questions I've got.
 15 EXAMINATION
 16 BY MR. COLLINS:
 17 Q. Ms. Baldwin, when you say you would have
 18 taken Irena on the trip with you, isn't it a
 19 fact that you didn't take her with you, that
 20 y'all all went together? I mean, y'all all
 21 agreed to go on the trip together, right?
 22 A. Yes.
 23 Q. You weren't in charge of the trip, were you?

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1 MR. HENDERSON: Object to the
 2 form.
 3 A. No.
 4 Q. Were you in charge of the trip?
 5 A. No, no.
 6 Q. There was an agreement by all of y'all to go
 7 on the same trip?
 8 A. Right.
 9 Q. And that purpose was to go visit family,
 10 correct?
 11 A. Right.
 12 Q. And all of you made the decision to go visit
 13 family, correct?
 14 A. Yes.
 15 Q. So it wasn't a trip that you spearheaded, so
 16 to speak?
 17 A. No, no.
 18 Q. So when you said you would have taken Irena
 19 on the trip with you, that's not accurate,
 20 is it? I mean, she was going anyway --
 21 MR. HENDERSON: Object to the
 22 form.
 23 Q. -- correct?

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1 A. Right.
 2 Q. Now, you said that you don't remember if she
 3 gave you any money, right, for the rental
 4 car?
 5 A. Oh, I know she didn't.
 6 Q. You know she didn't?
 7 A. Right.
 8 Q. Now, yesterday you said that she probably
 9 did. Which one is correct?
 10 A. She probably would have, but not at that
 11 point. I would think it was all on my
 12 Discovery Card.
 13 Q. So it would have been paid for on your
 14 Discovery Card, correct?
 15 A. Right.
 16 Q. Now, yesterday you testified that Irena
 17 helped pay for the rental car? She gave you
 18 some money cash?
 19 A. Beg your pardon?
 20 Q. Yesterday I believe you testified that Irena
 21 probably helped you pay for the rental car;
 22 is that correct?
 23 MR. HENDERSON: Object to the

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1 form.
 2 A. I'm not sure.
 3 Q. The fact is, you don't really know whether
 4 or not she helped you or not, do you? You
 5 don't really know, do you?
 6 MR. HENDERSON: Object to the
 7 form.
 8 Q. I'm asking your opinion. Do you know one
 9 way or the other whether she really helped
 10 you or not?
 11 A. To put it on my Discovery Card, then I would
 12 pay Discovery.
 13 Q. Is it possible that Irena paid you a portion
 14 of the rental cost --
 15 A. No.
 16 Q. -- in cash?
 17 A. No.
 18 Q. Yesterday you said she probably did. Do you
 19 remember saying that yesterday?
 20 A. Probably I did.
 21 Q. So which one would be more accurate, that
 22 she probably did or that she didn't?
 23 A. She would have, I would think, you know, if

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1 A. Sort of.
 2 Q. Can you explain that?
 3 A. It was all in her name. But we would go
 4 down and pay the bill, and I would give her
 5 something.
 6 Q. So you would pay her some money for the
 7 electricity bill?
 8 A. Yes.
 9 Q. Now, the house was in her name; is that
 10 correct?
 11 A. Right.
 12 Q. Was the house paid off?
 13 A. Yes.
 14 Q. Did you pay her any rent to live there?
 15 A. No.
 16 Q. Now, yesterday you testified that you-all
 17 handled your own affairs. She handled her
 18 affairs and you handled your own affairs,
 19 correct?
 20 A. Right.
 21 Q. And I believe you testified that you-all had
 22 your own checking accounts, your own bank
 23 accounts?

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1 she hadn't have been killed in the accident.
 2 Q. So are you saying that she had probably
 3 would have paid you sometime later?
 4 A. Yes.
 5 Q. Was there an agreement that...
 6 A. No.
 7 Q. Let me finish. Was there an agreement that
 8 you would pay for the rental car on your
 9 card and that she would pay you back later?
 10 A. I don't know if we agreed to that. But I
 11 just, you know, usually paid for the trip on
 12 Discovery.
 13 Q. And when you usually paid for the trip, did
 14 she usually reimburse you or pay you back?
 15 A. I'm not sure.
 16 Q. So are you saying that it's possible that
 17 she might have paid you back?
 18 MR. HENDERSON: Object to the
 19 form.
 20 A. Yes.
 21 Q. With regards to your living arrangements, I
 22 believe you testified that you-all split the
 23 electricity bill, correct?

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1 A. Yes.
 2 Q. You were getting disability at the time,
 3 correct?
 4 A. Right.
 5 Q. Where was your checking deposited to?
 6 A. At PNC.
 7 Q. PNC? What does that PNC stand for?
 8 A. Pennsylvania National Bank.
 9 Q. Is that in Philadelphia?
 10 A. Philadelphia.
 11 Q. Was that account solely your account?
 12 A. Yes.
 13 Q. You were the only person on it?
 14 A. Right.
 15 Q. Did Ms. Johnson receive -- to your knowledge
 16 receive her own retirement or disability
 17 check?
 18 A. Yes.
 19 Q. Does she have a separate account that her
 20 money was going into to your knowledge?
 21 A. Yes. She had a separate account.
 22 Q. Did y'all ever mix accounts?
 23 A. No.

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1 Q. So the money that came into the household
2 was never commingled together, was it? It
3 was never put together in one big pot, was
4 it?
5 A. No.
6 Q. She had her funds and you had your funds,
7 correct?
8 A. Right.
9 Q. Do you -- When was the last time you filed
10 an income tax return? Do you remember?
11 A. Last year.
12 Q. You did file one last year?
13 A. Yes.
14 Q. And when you filed that income tax return,
15 did you list Irena Johnson on your income
16 tax return as a dependent?
17 A. No.
18 Q. Did you file an income tax return the year
19 before that?
20 A. Yes.
21 Q. Did you list Irena Johnson on there as a
22 dependent?
23 A. No.

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1 Q. Have you ever listed Irena Johnson on your
2 income tax return as a dependent?
3 A. No.
4 Q. When you filed your income tax return, did
5 you file as a single?
6 A. Single.
7 Q. Has Irena -- To the best of your knowledge,
8 has Irena ever listed you on her income tax
9 as a dependent?
10 A. No.
11 Q. Do you know whether or not she filed single
12 or head of household?
13 A. No.
14 Q. You don't know?
15 A. No.
16 Q. So Irena didn't take care of you and you
17 didn't take care of her, correct?
18 A. Correct.
19 MR. PHILLIPS: Object to the form.
20 Q. In your opinion did you take care of Irena?
21 A. No.
22 MR. PHILLIPS: Object to the form.
23 Q. Did you consider yourself being taken care

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1 of by Irena?
2 MR. PHILLIPS: Object to the form.
3 Q. You can go ahead and answer.
4 A. No.
5 Q. What about mail? Did y'all have separate
6 pieces of mail coming to the house?
7 A. Yes.
8 Q. Did you ever open her mail?
9 A. No.
10 Q. Did she ever open your mail to your
11 knowledge?
12 A. No.
13 Q. Let me ask you about Hertz when you went to
14 go rent the car. Did Hertz ever ask you
15 whether or not they felt that you were
16 capable of driving this vehicle? Did they
17 ever indicate anything to you like that?
18 A. No.
19 Q. Did they ever ask you what kind of
20 medications you were on?
21 MR. PHILLIPS: I'm going to have
22 to object to that just because
23 of leading on cross

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1 examination, just to preserve
2 it. But, otherwise, go ahead,
3 Ms. Baldwin.
4 Q. You can go ahead and answer the question.
5 Did Hertz ever ask you what medications
6 you were on?
7 A. No.
8 Q. Did they ever ask you have you been in any
9 accidents or anything in the past?
10 A. I don't think so.
11 Q. Did anybody at Hertz appear to be concerned
12 about whether or not you could drive their
13 vehicle?
14 A. No.
15 MR. PHILLIPS: Object to the form.
16 Q. Did you ever tell Hertz that you were taking
17 all of these different medications?
18 A. No.
19 MR. COLLINS: I don't think I have
20 anything further at this point.
21 EXAMINATION
22 BY MR. WALLER:
23 Q. Just a couple, Ms. Baldwin. Your attorney

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1 just talked to you and you replied to him
 2 that at the time you were backing up you
 3 thought it was safe to do so on the edge of
 4 the roadway, I think is what you said. Is
 5 that right?
 6 A. Uh-huh (positive response).
 7 Q. Is that right?
 8 A. Uh-huh (positive response).
 9 Q. Say yes for...
 10 A. Yes.
 11 Q. I'm going to show you Plaintiff's Exhibit
 12 Forty-nine and Plaintiff's Exhibit Fifty,
 13 these two pictures. In either one of these
 14 pictures does it depict the area where you
 15 backed up?
 16 A. Yeah.
 17 Q. Will you put a red X on that area where you
 18 backed up -- where you thought it was the
 19 edge of the roadway?
 20 A. This is not the highway.
 21 Q. And my question is, will you put an X where
 22 you backed up in these pictures, whatever
 23 they depict?

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1 A. I can't put an X there where I backed up
 2 because that's not 85.
 3 MR. HENDERSON: I think it's clear
 4 that she doesn't recognize
 5 these pictures. And to get her
 6 to put an X or draw on the
 7 photographs wouldn't do us any
 8 good since she doesn't
 9 recognize these pictures as
 10 being the...
 11 THE WITNESS: Because the highway
 12 would be down.
 13 MR. COLLINS: I think she
 14 recognized them enough to draw
 15 the lane she was traveling in.
 16 So...
 17 MR. WALLER: My response is this.
 18 The pictures depict what they
 19 depict. And, David, if she
 20 doesn't, she can say she
 21 doesn't know.
 22 Q. But just based on what you are looking at
 23 here, do you know, Ms. Baldwin, if the area

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1 where you backed up is depicted in either
 2 one of these two pictures?
 3 A. No.
 4 Q. You don't know?
 5 A. It's not.
 6 Q. Okay. That's fine. I thought you said it
 7 did.
 8 MR. WALLER: That's all I have.
 9 MR. HENDERSON: Anything else,
 10 John?
 11 MR. COLLINS: Just for the record,
 12 Plaintiff's Exhibit Fifteen
 13 through Sixty indicates that we
 14 had two Plaintiff's Exhibits
 15 Twenty-one. We are going to
 16 change one of those exhibits to
 17 reflect Plaintiff's Exhibit
 18 Twenty-one A with, I assume, no
 19 objections.
 20 MR. HENDERSON: That's fine.
 21 * * * * *
 22 FURTHER DEPONENT SAITH NOT
 23 * * * * *

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1 REPORTER'S CERTIFICATE
 2 STATE OF ALABAMA:
 3 MONTGOMERY COUNTY:
 4 I, Tracey H. Rives, Certified Shorthand
 5 Reporter and Commissioner for the State of Alabama
 6 at Large, do hereby certify that I reported the
 7 deposition of:
 8 WILLIE EVA BALDWIN
 9 who was first duly sworn by me to speak the truth,
 10 the whole truth and nothing but the truth, in the
 11 matter of:
 12 ROBERT JOHNSON, as Personal
 13 Representative of THE ESTATE OF
 14 IRENA JOHNSON, Deceased,
 15 Plaintiff,
 16 Vs.
 17 DENITA COLVIN and
 18 WILLIE EVA BALDWIN, et al.,
 19 Defendants.
 20 Civil Action Number
 21 2:07CV1068-MHT
 22 In the U.S. District Court
 23 for the Middle District of Alabama

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1 On February 27, 2008.

2 The foregoing 184 computer printed pages
3 contain a true and correct transcript of the
4 examination of said witness by counsel for the
5 parties set out herein. The reading and signing of
6 same is hereby waived.

7 I further certify that I am neither of
8 kin nor of counsel to the parties to said cause,
9 nor in any manner interested in the results
10 thereof.

11 This 21st day of March 2008.
12
13

14 Tracey H. Rives, Certified
15 Shorthand Reporter and
16 Commissioner for the
17 State of Alabama at Large,
18 ACCR#: 400, Expiration Date:
19 9/30/08
20
21
22
23

